CALIFORNIA ENERGY COMMISSION
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BALDWIN HILLS ENERGY FACILITY NO.1 (01-EP-11)
STAFF ASSESSMENT FOR EMERGENCY PERMIT

EXECUTIVE SUMMARY

The Energy Commission staff has analyzed the Baldwin Hills Energy Facility No.1 (Project) proposal. The analysis of impacts from air emissions from the project is being conducted by South Coast Air Quality Management District and is not yet complete. Energy Commission staff has proposed Conditions of Certification that staff has determined will serve to protect the public interest and the environment in those technical areas evaluated in this Staff Assessment. Staff cannot recommend approval of this project until it has the opportunity to evaluate the analysis of air impacts. Staff does recommend that if the project is approved, the certification be for 3 years with an option to apply to the Energy Commission for recertification, unless the project owner signs a power purchase agreement with the California Department of Water Resources (DWR). If the project owner signs such an agreement, staff recommends the term of the certification match the term of the DWR contract, with the possibility of extension if the project owner meets certain continuation criteria contained in this report. Staff further recommends that the project be required to close within 30 years of the start of operation, upon cessation of oilfield operations, or upon acquisition of the property by the Baldwin Hills Conservancy, whichever is soonest. These recommendations are based on the Energy Commission staff's independent assessment of the emergency permit application, independent studies and site evaluation, and consultation with other state, federal, regional, and local agencies.

On May 15, 2001, La Jolla Energy Development Corporation, Inc. (La Jolla), filed an emergency permitting application for the Baldwin Energy Facility No.1 project. La Jolla submitted supplemental application information on May 24, 2001. La Jolla's application was deemed complete on May 24, 2001. The application is available in Adobe PDF format at the documents portion of the project 's website, at http://www.energy.ca.gov/sitingcases/peakers/baldwin/index.html.

The proposed Baldwin No. 1 project is a 53 MW simple-cycle power plant located one-half mile north of Stocker Street and 400 feet east of La Cienega Boulevard, in the County of Los Angeles. Up to 12 MW of the power from this project would serve the existing Stocker Resources gas processing facility. The proposed project consists of two GE LM 2500 natural gas-fired combustion turbines and associated equipment. Electrical interconnections will be made to existing 69 kilovolt (kV) overhead lines that run on the east side of La Cienega Boulevard, which is adjacent to the project site. New overhead lines will be run approximately 300 feet to connect the existing lines on La Cienega to the plant's switchyard. The final emissions control configuration will include steam injection utilizing heat recovery steam generators (HRSG) and a Selective Catalytic Reduction (SCR) system to reduce NOx emissions to 2.5 ppm, and an

oxidation catalyst to reduce carbon monoxide emissions to 4 ppm and volatile organic compound emissions to 1.4 ppm. These catalyst systems are needed to meet the Best Available Control Technology (BACT) requirements, though the project is expected to be allowed to initially operate without these systems for a period of months to allow the project to be online sooner. During the initial operation period, which will extend no later than June 1, 2002, the project will use water injection to reduce NOx emissions to 25ppm. The SCR emission control technology, when installed, will require the storage and use of aqueous ammonia. Aqueous ammonia will be transported to the site in California Department of Transportation (DOT) regulated vehicles and stored onsite in a 5,000 gallon steel storage tank installed with secondary containment. Water will be required for both evaporative inlet air cooling and combustion chamber cooling, and will be supplied by the California-American Water Company. Fresh water will be treated using a demineralization process to make it suitable for water and steam injection into the turbines. All wastewater generated by normal operation of this facility will be blended with wastewater from the Inglewood Oilfield before re-injection into the Oilfield's reservoir as part of the oilfield waterflood process.

Project construction is expected to take approximately three to four months. La Jolla will begin commercial operation before September 30, 2001. Construction will require an average of 80 workers and supervisors, although the team will be reduced to 40 workers for the final two weeks of construction.

A PDF file showing the regional location of this facility is included as **Figure 1** in the files for this Staff Assessment. A project vicinity map, **Figure 2**, as well as a site plan for the proposed facility are also available. These files may be downloaded from the project's web site at:
http://www.energy.ca.gov/sitingcases/peakers/baldwin/documents/index.html

EMERGENCY PERMITTING AUTHORITY

This project is being considered outside of the Energy Commission's normal power plant permitting process. Under Public Resources Code Section 25705, if the legislature or the Governor declares a state of energy emergency, the Commission has emergency authority to order the construction and use of generating facilities under terms and conditions it specifies to protect the public interest. This authority can be invoked only if the Legislature or Governor declares a state of emergency and the Commission determines that all reasonable conservation, allocation, and service restriction measures may not alleviate an energy supply emergency.

Governor Gray Davis declared a state of emergency on January 17, 2001. On February 8 and March 7, 2001, the Governor issued several executive orders and declared that all reasonable conservation, allocation, and service restriction measures may not alleviate an energy supply emergency.

In Executive Order D-26-01, and Executive Order D-28-01 the Governor ordered the Energy Commission to expedite the processing of applications for peaking and

renewable power plants that can be on line by September 30, 2001. The Governor also declared that these projects are emergency projects under Public Resources Code section 21080(b)(4), and are thereby exempt from the requirements of the California Environmental Quality Act (CEQA). A summary of the emergency permitting process, including the proposed schedule, and a checklist showing the information required in an application, can be found on the web at: http://www.energy.ca.gov/sitingcases/peakers/documents/index.html.

Insert figure 1 and 2, color

Staff has received numerous comments by mail, email, and at the public hearing held in Culver City on May 31, 2001. Staff has summarized and responded to these comments in Appendix A. Many of these comments have complained that the Energy Commission has provided inadequate notice of the project and inadequate opportunity for public participation and input. The comments have also expressed concern over the lack of a California Environmental Quality Act (CEQA) level of review of the project. This project is being reviewed under the Energy Commission's emergency authority and as an emergency project exempt from CEQA, as directed in the Governor's Executive Orders D-26 and D-28. Under this authority, the Energy Commission is not required to conduct a CEQA or CEQA-equivalent review of this project. The Commission's emergency permitting process has been developed to provide a thorough review of proposed power plants that can be on-line in time to help alleviate the current emergency.

This authority allows the Energy Commission to approve emergency projects under such terms and conditions as specified by the commission to protect the public interest (Pub. Res. Code section 25705). The Energy Commission has included, to the extent practical, public notice and participation. A public hearing was held in Culver City on May 31, with notice of the meeting distributed by mail and through local media. A second hearing is scheduled in Culver City for June 18 to allow Energy Commission and South Coast Air Quality Management District (SCAQMD) staff to present their findings and conclusions, and for the public to offer comment on this Staff Assessment. Staff has received public comments at the informational hearing held in Culver City of May 31, 2001 and by mail and email.

NEED FOR EMERGENCY PERMITTING

SUPPLY

The electric generation system must have sufficient operating generating capacity to supply the peak demand for electricity by consumers (including the transmission and distribution losses associated with power delivery). Also, an additional amount of reserve power plant capacity must be operational to act as instantaneous back-up supplies should some power plants or transmission lines unexpectedly fail. According to the Western Systems Coordinating Council (WSCC), to reliably deliver power, control area operators should maintain operating reserves of seven percent of their peak demand (including losses). If operating reserves decline below that level, customers that have agreed to be interrupted in exchange for reduced rates may be disconnected. If operating reserves get as low as one and a half percent, firm load will likely be shed locally, resulting in rotating blackouts in order to avoid system-wide blackouts.

Current estimates by Energy Commission staff of consumer peak demand for electricity and reserve requirements, and the expected availability of electricity capacity supplies for the summer of 2001, indicate that existing capacity supplies are not adequate to maintain a seven percent operating reserve margin, particularly if summer temperatures rise above levels that have as much as a 10 percent chance of occurring. Therefore, additional capacity resources or demand reductions are needed now and by next

summer to maintain a seven percent operating reserve margin under temperature conditions that have about a 10 percent chance of occurring.

Many efforts to reduce peak demand and supply new capacity are currently under way. More than 3,000 MW of new generation may be operational by September 30, 2001. These projects include power plants already certified by the Energy Commission that are currently under construction; various upgrades, rerates and returns-to-service of existing power facilities; and new renewable generation responding to Energy Commission incentive programs. The emergency approval of new simple-cycle power plants at numerous locations throughout the state is also important to respond to peak summer demand and provide local electricity system reliability.

Staff assumes that power plant outages of about 3,000 MW will occur throughout the summer. If power plant outages this summer turn out to be greater than assumed, new capacity resources, such as peaking power plants, can help maintain an adequate reserve margin, and help avoid or shorten the duration of rotating blackouts.

PUBLIC HEALTH AND SAFETY

There is a reliability benefit associated with locating generation resources near the significant load centers. When load and generation are seriously out of balance, as they are in most service areas, the potential for system separation, islanding and cascading outages are significantly increased (U.S. Congress, Office of Technology Assessment, June 1990). If additional simple-cycle projects are not licensed and built, this reliability benefit will be foregone until additional larger baseload generation is built in such areas. Although it is impossible to accurately calculate the likelihood of system outages, such outages are certainly plausible and are much greater without new generation resources in most California service areas. Power outages frequently occur during, and are often precipitated by, periods of extreme heat. Extreme summer heat creates extreme demand primarily from air conditioning loads. In fact, it has been demonstrated that demand in California is particularly sensitive to small increases in maximum summer temperature (CEC 1999). In the summer of 1998 the system demand in California increased by 4,000 MW as a result of a five-degree increase in temperature as compared to more typical maximums.

When major outages occur, there is an increased risk of significant public health and safety impacts. Fatalities and injuries associated with many types of accidents may result from outages, such as traffic accidents from signal and lighting failures, falls down unlighted stairways, fires caused by use of candles for lighting and unconventional open-flame cooking, loss of life support equipment in medical clinics, and electrical shock from improper use of portable electric generators. However, a much more serious risk is the potential morbidity and mortality associated with summer heat waves. Behind major epidemics, heat waves in California rank among the worst of all other natural disasters in the history of California for excess mortality. Heat waves have caused more fatalities in individual events than the 1906 earthquake (452 deaths), the San Francisquito Dam collapse of 1928 (450 deaths) and the Port Chicago explosion in 1944 (322 deaths) (Oechsli and Buechley 1970). The mortality associated with one

California heat wave in 1955 resulted in 946 deaths (before air conditioning was in common use). Fortunately the mortality associated with such events is completely preventable (Semenza 1995). One of the most effective ways of avoiding mortality during heat waves is to spend time in air conditioned environments during the hottest parts of the day (CDC 2000). However, artificial climate control (air conditioning) may be mandatory to avoid fatalities when temperatures change abruptly (Bridger and Helfand 1968).

The availability of air conditioning has significantly reduced the mortality associated with heat waves in California and throughout the nation. It was estimated that increased use of air conditioning during the 1963 Los Angeles heat wave saved over 800 lives (Oechsli and Buechley 1970). Sensitive populations are often dependent on air conditioning to avoid aggravation of chronic health conditions such as chronic obstructive pulmonary disease or acute health effects such as heat stroke. It is widely recognized that hot weather conditions can significantly increase both morbidity and mortality, particularly among sensitive populations such as the very young, the elderly, and those with chronic diseases (Bridgerand and Heland 1968) (Schickele1947) (Oechsli and Buechley 1970) (Kalkstein et al 1989, 1993, 1997, 1998). Thus, shortages of electricity can impose risk of very serious impacts on the public, potentially increasing the risk of deaths due to heat waves. The vast majority of those who die in heat waves are at home without air conditioning and are elderly. Based on evaluation of the public health and safety risks associated with new projects, staff concludes that new generating projects are much more likely to reduce public health and safety risks than increase them.

AIR EMISSIONS OF BACK UP GENERATORS COMPARED WITH EMERGENCY PERMIT POWER PLANTS

California generation is among the cleanest in the country. This is due to negligible coal and oil use as generation fuel, the Best Available Retrofit Control Technology (BARCT) and Best Available Control Technology (BACT) rules, and a robust mix of geothermal, renewable, nuclear and hydroelectric generation. With the generation shortfalls California has experienced in recent months due to abnormal forced and unforced outage rates and shortages of instate and out of state generation capacity, several options have been considered to supply additional generation without compromising public health and safety.

One option is to utilize the existing fleet of diesel engines that are used as backup or standby generators for facilities such as hospitals, businesses, and essential services such as telephone, water, sewer, police and fire. Most of these generators are exempt from permitting as they are designed to only run when the grid fails to deliver electricity. That fleet is older and uncontrolled. It could represent 11,500 units, producing as much as 5,000 MW. However, as little as 1,200 MW may be compatible with operating in parallel with the grid. Most units are designed to only operate when isolated from the grid, and only with enough power for essential load at the facility.

Another option is to rely on a small number of diesel or natural gas engines that are permitted with emission control equipment as prime engines. Their emissions are in the range of 10 LB NOx/MWhr. However, they may not be tied to a generator (e.g., they may operate a pump or compressor) or are already operating at or near baseload, so they may not be able to supply much electricity to the grid. Other California generation options are less than 1.0 LB NOx/MWhr, but few are cleaner than the system NOx averages with the exception of demand reduction, solar, wind, and expensive fuel cells. The generation system emission averages will continue to decrease as the BARCT rules are fully implemented and the new generation with BACT installed comes online. The generation system emission average should approach 0.1 LB NOx/MWhr by 2005.

DIFFERENCES IN AIR EMISSIONS

Emission rates, rather than the sheer number of generators of any one type, are key to comparing emissions from different generation sources. For example, if there is a need for 1000 MW over 10 hours, or 10,000 MWhrs, then the NOx emissions are simply a product of the emission rate multiplied by 10,000. Diesel standby engine use would result in 150 tons of NOx over 10 hours, versus 1.5 tons from 1000 MW of natural gas-fired generation over the same period of time. A new simple-cycle power plant, such as the GE LM-2500 gas turbine generators proposed for the Baldwin Hills Energy Facility No.1 project, would produce less than one ton of NOx while producing 10,000 MWhrs.

The location and configuration of a source are also significant factors in assessing the effect on air quality. If the 1000 MW is concentrated in one location (e.g., a 1000 MW combustion turbine or combined cycle project) the emission will be of relatively low concentration, will be buoyant, and will be emitted at a relatively high elevation from a stack. If the 1000 MW consists of 1,000 one-MW diesel standby generators, the emissions will be emitted near ground level, at relatively high concentrations, and probably over a wide region or even throughout the state. Similarly, a dispersed set of peakers (e.g., twenty 50MW General Electric LM6000s) could be located throughout the state. Without knowing their exact locations, their effects on air quality are not entirely known. A peaking power plant located next to a hill or mountain, because of the terrain or topography, or in an area that is already heavily polluted, could result in violations whereas the other 1000 MW “configuration” might not.

EMISSION REDUCTION CREDIT BANK

The Governor’s Executive Order D-24-01, charges the California Air Resources Board with the responsibility of creating a state emission reduction credit bank for the purpose of providing offsets for new or expanded peaking facilities that could add new power by this summer. This bank was initially funded with recent NOx reductions generated through the CARB’s Carl Moyer Program, an incentive program. The incentives are grants that cover the incremental cost of cleaner on-road, off-road, marine, locomotive and stationary agricultural pump engines, as well as forklifts and airport ground support equipment. Because the new or expanded peaking facilities will operate under short term entitlements, for the purpose of responding to the energy crisis, the use of these

mobile emission reductions are intended to provide NOx and particulate matter offsets for these peaking facilities.

These emission reduction credits (ERCs) are available through the air district to peaking power plants that need emission offsets in order to add new or expanded peaking capacity that will be on-line by September 30, 2001. These credits are intended to fully satisfy offset requirements of these power plants. The ERCs available from this bank are nitrogen oxides (NOx) and particulate matter less than 10 microns (PM10). Where needed, these ERCs will be issued to qualified power plant applicants for a three-year period. These ERCs will expire on November 1, 2003, to ensure that these credits will be available for three full summer peak seasons. The amount of NOx ERCs needed for this project is directly related to the emission control level of 5 parts per million NOx and the number of hours of operation. The CARB bank will make up to 21 tons per year available for purchase for each 50 MW power plant up to 100 MW total. Prior to the expiration of the CARB short term ERCs, applicants who use these credits will be required to secure permanent emission reductions for the remaining life of the power plant peaking units if the applicant desires to continue to operate the unit.

Heavy-duty engines are a significant source of smog-forming pollutants. About 525,000 heavy-duty diesel trucks are driven throughout the state, with another 680,000 diesel-fueled engines used in construction and agriculture. Together, diesel engines contribute about 40 percent of all NOx emissions from mobile sources. NOx is one of the main contributors to ground-level ozone, one of the most health-damaging components of smog. In addition, the fine particulate matter exhaust from heavy-duty diesel engines is a toxic air contaminant. The Carl Moyer incentive program focuses on reducing emissions of smog-forming oxides of nitrogen (NOx), but will also reduce particulate emissions.

Particulate matter includes many carbon particles (also called soot) as well as other gases that become visible as they cool. In 1998, California identified diesel particulate matter (diesel PM) as a toxic air contaminant based on its potential to cause cancer and other adverse health effects. In addition to PM, emissions from diesel-fueled engines include over 40 other cancer causing substances. Overall, emissions from diesel engines are responsible for the majority of the potential airborne cancer risk in California. Several studies have confirmed that the cancer risk from diesel particulate is greater than the risk from all other identified toxic air contaminants combined. Given these findings, using the proposed emission reduction credit strategy will be an effective means to offset peaking power plant emissions as an interim measure.

STAFF ANALYSIS OF THE BALDWIN HILLS ENERGY FACILITY NO.1 PROJECT

SITE DESCRIPTION AND VICINITY

The proposed Baldwin Hills Energy Facility No.1 is located on the Inglewood Oilfields, in an unincorporated section of Los Angeles County. The project site is included in the parcel with Assessors Parcel Number 5029-017-015. The project site is located within an area currently leased by Stocker Resources Inc., for the production of natural gas and oil. The site lies within the Baldwin Hills. The surrounding topography is characterized by slopes of 0-15 percent to the north and south, and slopes up to 20 percent to the east and west. The project site is part of the 127-square mile Ballona Creek Watershed.

Little natural vegetation exists on the oilfield property, other than small patches of Coastal Sage Scrub, shrubs and traces of native grasses. The area has been heavily graded and disturbed during the course of oil production activities. A row of eucalyptus trees, approximately 700 feet east of the project site, partially screens views of the project area from the Kenneth Hahn State Recreation Area, located immediately east of the project site.

Land uses immediately adjacent to the site include the oilfield on all sides. To the north and east of the oilfield is an existing park, the Kenneth Hahn State Recreation Area. The entrance to the Kenneth Hahn State Recreation Area is approximately 0.5 miles north of the site A two square mile area, including the project site and surrounding oilfield and the Kenneth Hahn State Recreation Area, is included in the boundaries of the Baldwin Hills Conservancy. The Conservancy is in the process of turning this area into the Baldwin Hills State Park.

La Cienega Boulevard is located directly west of the project site. Additional oilfield production facilities and supporting equipment are located in the hills west of La Cienega. The oilfield property, natural gas production facilities, and oil derricks extend south of the project site for approximately 1.25 miles, where the property meets the baseball diamonds and community park associated with the Kenneth Hahn State Recreation Area. Single family residences are located approximately 0.75 miles to both the southwest of the proposed site, and single and multi-family residences are located approximately 0.75 miles to the northeast.

A number of parks and schools are located in the general vicinity of the proposed project site. Culver City Park, which is a component of the future Baldwin Hills Park plans, is approximately one mile northwest of the proposed site. Baseball diamonds and a community park associated with the Kenneth Hahn State Recreation Area are located approximately 1.25 miles to the south of the proposed project site. The West Los Angeles College campus is approximately one mile directly west of the project site; other schools within a one mile radius include the OHR Eliyahu Academy, the Saint Paul Presbyterian pre-school, the Baldwin Hills Elementary School, the New Roads

School, and the Jim Gilliam Recreation Center. The nearest residences are located in the Blair Hills area, approximately 0.75 miles to the northwest, and Ladera Heights, approximately 0.75 miles to the southwest.

LAND USE

La Jolla proposes to construct the Baldwin Hills Energy Facility No.1 within the site of the existing Stocker Resources Inc.'s oilfield operations located approximately one-half mile north of Stocker Street and approximately 400 feet east of La Cienega Boulevard, in the County of Los Angeles. The project site consists of approximately two acres within the property boundaries of the existing oilfield. In addition, construction and equipment laydown areas will be located on oilfield property, at the southwest boundary of the site and directly south, across Oilfield Road.

The Los Angeles County General Plan designates the proposed project site as Open Space (O-S). O-S is considered in the Conservation, Open Space and Recreation element of the county's General Plan as resources including land and water areas devoted to recreation, scenic beauty, conservation and use of natural resources, agriculture and mineral production. The General Plan states that land may be developed to any use permitted in Zones O-S (Open Space) and W (Watershed) of the Los Angeles County Zoning Ordinance, subject to the conditions and standards of those zones. The Zoning Ordinance (Title 22, Section 22.40.430) indicates that power plants are an acceptable use within the O-S zone, although development would require a Conditional Use Permit (CUP).

Stocker Resources Inc.'s oilfield operations and the proposed project site are currently zoned by the Los Angeles County Zoning Ordinance as an A-2 or Heavy Agricultural designation. The Zoning Ordinance (Title 22, Section 22.24.150) indicates that power plants are also an acceptable use within an A-2 zone, although development would require a Conditional Use Permit (CUP). The purposes of the General Plan Open Space designation include mineral production, which is consistent with the existing oilfield operations and their A-2 zoning designation. Based on both the General Plan O-S designation and the A-2 zoning designation, the project is an acceptable use with a CUP.

Before the issuance of a CUP, the Los Angeles County Regional Planning Department would evaluate the following issue areas:

- Consistency with the General Plan;
- Compatibility with surrounding land uses;
- Hours of operation, types of activities, number of occupants, etc.;
- Conditions and restrictions to ensure compatibility;

- Land suitability and physical constraints;
- Project design;
- Availability of adequate access, public services, and facilities to serve the proposed development;
- Potential environmental impacts and mitigation measures.

Los Angeles County Regional Planning Department indicated that the proposed project would not be inconsistent with their planning policies, although they expressed a number of concerns related to the project, including potential community impacts, emissions, noise, and visual impacts. This Staff Assessment addresses the proposed project's impacts, including those concerns, with the exception of air emissions. SCAQMD is evaluating the impacts associated with air emissions for this project. That evaluation is not yet complete. Information addressing other potential impacts associated with the proposed project can be found in the following sections of this report:: **Noise, Hazardous Materials, Biological Resources, Land Use, Traffic and Transportation, Soils and Water Resources, Cultural Resources, Paleontological Resources, and Visual Resources.** Staff has determined that the requirements for a CUP are fulfilled by the Conditions of Certification proposed in this Staff Assessment with the possible exception of conditions required to address impacts resulting from air emissions. After completion of the air analysis, staff will determine whether additional conditions are needed.

Furthermore, based on the analysis of the Los Angeles County General Plan and the industrial nature of the surrounding oil field operations, staff believes that the proposed project is a compatible land use and is consistent with the O-S General Plan designation and the A-2 zoning designation.

The Los Angeles County General Plan includes policies that seek to address the lack of park area in the project vicinity. General Plan Goal and Policy 25 "Stress(es) the development of community parks particularly in areas of the greatest deficiency, and take advantage of opportunities to preserve large natural and scenic areas". General Plan Goal and Policy 17 seeks to "Establish and implement regulatory controls that ensure compatibility of development adjacent to or within major public open space and recreation areas including National Forests, the National Recreation Area, and State and Regional Parks." The plans for the proposed Baldwin Hills Park include incorporation of the oilfield area including the project site, although this portion of the park cannot proceed until the oilfield ceases operation. La Jolla stated in its application that the anticipated life of the project is 30 years. In order to ensure consistency of the project with the General Plan policies and the plans for Baldwin Hills Park, staff has proposed Condition of Certification **LAND-2**. This condition specifies that the project certification be for three years with an option to apply to the Energy Commission for recertification without a DWR contract, or for the life of the contract with the possibility of extension with a DWR contract. The condition further specifies that the project must, in any case, cease operations within 30 years of the start of operation, upon cessation of oilfield operations, or upon acquisition of the property by the Baldwin Hills Conservancy,

whichever is soonest. With implementation of this condition, development of the proposed project will not impede the development of the future Baldwin Hills Park, and the proposed project is consistent with General Plan Policies 17 and 25.

The General Plan Design Policy 15 seeks to "Protect the character of residential neighborhoods by preventing the intrusion of incompatible uses that would cause environmental degradation such as excessive noise, noxious fumes, glare, shadowing and traffic". This Staff Assessment addresses the proposed project's impacts, including those concerns, with the exception of air emissions. SCAQMD is evaluating the impacts associated with air emissions for this project. That evaluation is not yet complete. Information addressing other potential impacts associated with the proposed project can be found in the following sections of this report: **Noise, Hazardous Materials, Biological Resources, Land Use, Traffic and Transportation, Soils and Water Resources, Cultural Resources, Paleontological Resources, and Visual Resources.** Staff has determined that the project is consistent with General Plan Design Policy 15, with the possible exception of conditions required to address impacts resulting from air emissions. After completion of the air analysis, staff will determine whether additional conditions are needed.

The General Plan Conservation and Open Space Policy 2 indicates that "proposed regional parks and recreation areas (are) based on current federal, state, city, and county proposals,' and that "acquisition is subject to available funding." Although the proposed project is located in an area within the jurisdiction of the Baldwin Hills Conservancy, as of this writing, ownership of the oilfield, including the project site, remains private property and the Baldwin Hills Conservancy has not acquired ownership. Because existing oilfield operations are expected to continue for approximately 30 years, and ownership of the site is expected to remain in private hands during that time, the project as proposed is consistent with this policy. Further, staff proposes Condition of Certification **LAND-2**, which specifies that the project certification be for three with an option to apply to the Energy Commission for recertification without a DWR contract, or for the life of the contract with the possibility of extension with a DWR contract. The condition further specifies that the project must, in any case, cease operations within 30 years of the start of operation, upon cessation of oilfield operations, or upon acquisition of the property by the Baldwin Hills Conservancy, whichever is soonest. Therefore, the proposed project is consistent with General Plan Conservation and Open Space Policy 2.

The proposed project site is located within the jurisdiction of the Baldwin Hills Conservancy, which was created by Senate Bill 1625 and chaptered on February 22, 2000. The conservancy's mission is to develop and coordinate an integrated program that will create the Baldwin Hills Park, a two square mile urban park. The conservancy plans to acquire and manage lands within the Baldwin Hills area to provide recreation, open-space, wildlife restoration and protection and education experiences in a manner consistent with the protection of lands and resources in the area. The conservancy and other public and private agencies are planning the future Baldwin Hills Park, which will eventually include the project site and surrounding area. However, as noted above, development of the proposed Baldwin Hills Park cannot proceed in the immediate vicinity of the project until the oilfield ceases operation. Condition of Certification **LAND-2**

specifies that the project certification be for three years with an option to apply to the Energy Commission for recertification without a DWR contract, or for the life of the contract with the possibility of extension with a DWR contract. The condition further specifies that the project must, in any case, cease operations within 30 years of the start of operation, upon cessation of oilfield operations, or upon acquisition of the property by the Baldwin Hills Conservancy, whichever is soonest. Therefore, development of the proposed project will not conflict with future planned land uses at either the project site or other areas within the jurisdiction of the Baldwin Hills Conservancy.

Artesian Company, LTD currently owns the project site. At the time of this Staff Assessment, evidence of site control had not been received from the applicant. Staff proposes additional Condition of Certification **LAND-3**, which requires the applicant to submit evidence of site control to the CPM prior to the start of any construction activities.

Public comments included numerous expressions of concern regarding the impact that the proposed power plant would have on property values in the area. The concern is that those individuals who decide to sell their homes or businesses will not be able to get full market value once the power plant is built and operating. The Energy Commission has encountered this view in previous siting cases including Crocket, San Francisco, Sutter, and Metcalf. As part of the most recent analysis for the Metcalf project, a consultant was hired to review the potential impact. This analysis included a review of the literature on property value impacts from industrial activities (Troy 1999). In general, no information or studies were found that demonstrates an adverse or negative impact on property values directly attributable to a natural gas-fired power plant. Staff has not conducted an analysis of the possible impacts of the project on nearby property values, but notes that the project is proposed on property currently used for industrial purposes. Staff does not anticipate the addition of the power plant to have a significant impact on property values.

Implementation of Standard Condition of Certification **LAND-1** will ensure that the applicant conforms to all local, state and federal land use requirements. Implementation of additional Condition of Certification **LAND-2** limits the term of the project's certification and will assure consistency with the development of the Baldwin Hills Park. Further, implementation of additional Condition of Certification **LAND-3** will ensure that the applicant has secured site control prior to the start of construction activities.

AIR QUALITY

The analysis of the air quality impacts of emergency permit applications is performed by the California Air Resources Board and the local air pollution control district. SCAQMD has not completed its analysis of this project, and has not issued draft permits. Until an analysis of impacts from air emissions is complete, staff cannot recommend approval of this project.

Staff has proposed a Condition of Certification (**AQ-1**) which require the applicant to limit fugitive dust emissions during construction. Staff has also included Conditions of Certification (**AQ-2** and **AQ-3**) that will require the project to comply with the authority to construct and permit to operate, if one is issued, and to comply with Best Available Control Technology standards.

PUBLIC HEALTH

The primary public health concerns from this project arise from the handling of hazardous materials and from air emissions. Staff has analyzed the impacts from the use of hazardous materials below. As noted above, the analysis of the air quality impacts of emergency permit applications is performed by the California Air Resources Board and the local air pollution control district SCAQMD has not completed its analysis of this project, and has not issued draft permits. After completion of the air analysis, staff will determine whether additional Conditions of Certification are required to protect public health and the environment.

BIOLOGICAL RESOURCES

The proposed Baldwin Hills Peaker Plant site is located on the grounds of the Inglewood Oilfield. The 2-acre project footprint will be located on a barren, developed area adjacent to an oil derrick, with a substrate consisting of road base.

Native vegetation surrounding the site (to the north, east, and west) is dominated by California sage brush (*Artemesia californica*) and coyote brush (*Baccharis pilularis*) forming a coastal sage scrub habitat. Various other native and non-native plants compose a disturbed ruderal and annual grassland habitat.

In addition, within the transmission line corridor, there is a swale/basin that supports a disturbed alkalai meadow dominated by saltgrass (*Distichilis spicata*), alkalai mallow (*Malvella leprosa*), and rabbitsfoot grass (*Polypogon monspeliensis*).

Stands of coastal sage scrub in the Baldwin Hills provide important natural habitat to several species of birds and mammals that do not occur in the surrounding urbanized lowlands. Despite their fragmented and often degraded condition, these areas represent the largest, and therefore most significant, remaining expanse of the coastal sage scrub plant community within the Los Angeles Basin (LACNHM 2000).

Coastal sage scrub is considered a sensitive habitat type that potentially supports many Threatened, Endangered or Sensitive (TES) species including the federally threatened Coastal California gnatcatcher (*Polioptila californica californica*), California State Species of Special Concern (CSC) coastal cactus wren (*Campylorhynchus brunneicapillus*), and the CSC San Diego horned lizard (*Phrynosoma coronatum blainvillei*). Although these species have not recently been observed within the oilfield,

impacts to coastal sage scrub and other sensitive habitats should be avoided (CDFG 2001).

California Department of Parks and Recreation (CDPR) and U.S. Fish and Wildlife Service (USFWS) have expressed concern that the development of the project site can have the potential to interfere with the re-establishment of important wildlife habitat corridors. Several large and relatively intact sections of coastal sage scrub occur within the Inglewood Oilfield specifically, and in the Baldwin Hills area generally. These sections form the backbone of what could be an extensive network of natural habitat corridors within the hills. Staff has reviewed the priority habitat linkages identified in the Baldwin Hills Park Planning Documents and determined that project site does not impact any of the identified linkages. Therefore, no mitigation to establish linkages is required.

The Coastal Sage Scrub habitat surrounding the site supports high densities of breeding birds, which can be adversely affected by excessive noise levels. Noise levels generated by the plant are estimated at 70 dBA. Research has shown that ambient noise levels above 60 dBA may result in decreased breeding success in some songbird species. USFWS recommends that measures be taken to reduce the noise level at the proposed plant operating site to below 60 dBA in order to reduce impacts to breeding birds within the coastal sage scrub habitat (USFWS 2001). Noise mitigation to address this issue is included in the **Noise** section of this assessment.

The Coastal Sage Scrub vegetation of southern California has been declining over the past 60 years, and is being replaced by Mediterranean annual grasses in many areas. Although much of this is attributable to agriculture, overgrazing, and urbanization, negative effects of nitrogen deposition have been detected on the growth and survival of coastal sage scrub (Allen et al. 1996). Soil nitrogen eutrophication due to nitrogen deposition from airborne particulates is suspected to be a leading cause of long-term degradation of coastal sage scrub vegetation in Southern California and its eventual type-conversion to non-native (Mediterranean) grassland.

USFWS has expressed concern that these vegetation communities may be adversely affected by nitrogen deposition from the proposed power plant. Implementation of Condition of Certification **BIO-7** will require that the applicant submit a nitrogen deposition isopleth to USFWS prior to operations start-up to determine the project's impacts and to allow development of appropriate mitigation measures.

The proposed gas line will be routed through previously disturbed areas and will not impact any sensitive habitat. However, during staging, the power transmission line will cross through a swale/basin that supports disturbed alkalai meadow/vernal pool habitat. Vernal pools and swales are ephemeral wetlands that form in areas of California with Mediterranean climates that have shallow depressions underlain by a substrate of hardpan, clay, or basalt near the surface that restricts the percolation of water (USFWS Survey Protocols for Brachiopods). Typically characterized by ponding and evaporation, and dominated by wetland species, vernal pools provide important habitat for both plant and wildlife species. TES wetland species known to occur within the Coastal Los Angeles Basin include southern tarplant (*Centromadia parryi australis*), a

California Native Plant Society 1B, the western spadefoot toad (*Spea hammondii*) (CSC), and the federally endangered Riverside fairy shrimp (*Streptocephalus wootoni*).

S. wootoni is a small aquatic crustacean that occurs in vernal pools, pool-like ephemeral ponds, and human-modified depressions from coastal southern California to northwestern Baja California. Vernal pool habitat was once extensive on the coastal plain of Los Angeles and Orange Counties. However, impacts from urban and water development, flood control, highway and utility projects, as well as conversion of wildlands to agricultural use, have eliminated or degraded vernal pools and/or their watersheds in southern California (EPA Critical Habitat Document). The endangered Riverside fairy shrimp is dependent on vernal pool habitats for primary biological needs such as foraging, sheltering, reproduction, and dispersal.

Although there have been no observations made of vernal pool or wetland TES species within the Oilfield, USFWS has expressed concern that one or more of the species may be present in the sensitive habitat. Riverside fairy shrimp presence can only be determined through USFWS protocol surveys as was evidenced by the recent discovery at Los Angeles International Airport (1998)(Patterson report). To avoid impacts to potential TES species habitat within the vernal pool basin, staff recommends Condition of Certification **BIO-8**, which requires the applicant completely avoid the alkalai meadow/vernal pool basin and adjacent berms that lie within the transmission line corridor. Workers, vehicles and equipment shall be prohibited from the ground in the area of concern, though overhead work will be permitted. Creation of a buffer zone, protected by barrier fencing or other means approved by the CPM, is required to protect the areas of concern prior to the start of construction of the transmission line. Implementation of Condition of Certification **BIO-8** will ensure that there will be no impacts to this sensitive habitat.

The California Natural Diversity Data Base (CNDDB) lists four plant species California sage brush, southern tarplant, Coulter's goldfields (*Lasthenia glabrata coulteri*), and Braunton's milk vetch (*Astralagus brauntonii*), and two wildlife species California gnatcatcher, and San Diego horned lizard for the Baldwin Hills area. In addition, LACNHM reported observations of two CSC mammalian species, San Diego desert woodrat (*Neotoma lepida*) and San Diego black-tailed jackrabbit (*Lepus californicus*) during their 2000 survey of the Baldwin Hills.

Although no TES wildlife species were observed during a biological survey conducted by Natural Resource Consultants on May 2, 2001, TES wildlife species could occur within the sensitive coastal sage scrub and vernal pool habitats associated with the project footprint and transmission line corridor. Therefore, Condition of Certification **BIO-9** requires the presence of a qualified biologist onsite to monitor site mobilization and construction activities.

The applicant has no plans for fire protection fuel modification zones (Fuel modification zones may include zones cleared to mineral soil, irrigated zones with low-growing non-native vegetation, or zones where native vegetation is annually thinned or pruned). However, CDFG has expressed that if fuel modification zones are required for power plant operations that measures are to be taken to ensure that no coastal sage scrub is

cleared for fuel modification. Implementation of Condition of Certification **BIO-10** will ensure that no coastal sage scrub is removed if fuel modification zones are required.

Implementation of Standard Conditions of Certification **BIO-1**, **BIO-2**, **BIO-3**, **BIO-4**, **BIO-5**, **BIO-6**, **BIO-7**, **BIO-8**, **BIO-9**, and **BIO-10** will ensure there will be no significant non-mitigatable impacts to biological resources.

SOILS & WATER

WATER

The proposed project will include two GE-LM-2500 gas turbine engines that will consume approximately 340 gallons per minute (gpm) of water during peak operating times. Fresh water will be supplied to the project by the California-American Water Company through the existing Inglewood Oilfield water system interconnection located on site. The water will be treated using a portable, trailer-mounted demineralization process before water and steam injection into the turbines. California-American Water Company has issued a will-serve letter to the applicant, which is included in Attachment 1.18 of the Application for Certification.

WASTEWATER

Wastewater from the demineralization and generating processes will be commingled with the brackish water produced at the Oilfield and sent to the existing onsite treatment facility. Treated water will then be reinjected into the Oilfield via Class II injection wells regulated by the California Division of Oil, Gas, and Geothermal Resources (DOGGR) Underground Injection Control program (UIC). CEC staff contacted DOGGR regarding this project and was informed by DOGGR staff (David Sanchez) that the applicant must submit notification to the DOGGR UIC to determine permitting requirements for the reinjection of treated water. Implementation of Condition of Certification **SOIL & WATER 4** will ensure that prior to operations the applicant submits to the CPM documentation that all DOGGR UIC requirements have been met to ensure appropriate wastewater disposal.

According to the applicant, the construction crew will utilize portable toilets that will be serviced by an authorized company. The plant's operations crew will utilize existing Oilfield bathroom facilities.

Site storm water runoff will be handled within the Oilfield's existing storm water system. Best Management Practices (BMP's) will be utilized to control construction stormwater runoff, though most if not all construction is anticipated to be complete prior to the rainy season. Catch basins, sand bags, silt fences, and other materials will be used to control the flow of stormwater. Effluent will be monitored and uncontaminated effluent will be discharged overland to Stocker Resources' Dabney-Lloyd Catch Basin. This large catch basin is part of a network of stormwater control devices permitted under

Stocker's National Pollution Discharge Elimination System (NPDES) permit No. CA 0057827, CI-6240. Overland discharge means the effluent is conveyed by ditches, and/or directed to vegetated areas to allow for infiltration.

Industrial stormwater will be managed onsite by BMP's suitable for power generation facilities. These BMP's will be part of a Storm Water Pollution Prevention Plan (SWPPP) for industrial activity prepared in accordance with State Water Resources Control Board (SWRCB) guidelines. Effluent will be monitored prior to release overland to Stocker resources' Dabney-Lloyd Catch Basin as noted above.

GENERAL NPDES FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

A State General Construction National Pollution Discharge Elimination System will not be required, as the total site including the project footprint and equipment laydown areas is less than 5 acres.

On July 15, 1996, the Los Angeles Regional Water Quality Control Board issued a NPDES permit (Order No. 96-054) to the 85 incorporated cities and the county within Los Angeles County (LAC). Pursuant to provisions within the permit, LAC was required to submit Standard Urban Stormwater Mitigation Plans (SUSMPs). The SUSMPs are plans that designate Best Management Practices that must be used in specified categories of development projects. The applicant will contact the Department of Public Works, Waste Management Division (DPW/WMD) to determine applicable BMPs for the Baldwin Peaker Plant Project.

GENERAL NPDES FOR DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES

The State Water Resources Control Board (SWRCB) has determined that a Storm Water Permit for Industrial activities and an NPDES permit are not required (Innes 2001). However, a SWPPP for industrial activity will be prepared in accordance with SWRCB guidelines. In addition, the applicant is also required to contact the DPW/WMD to determine if any post-construction BMPs are necessary to aid LAC in complying with Order No.96-054.

SOILS

As the potential for erosion and sedimentation through ground disturbance and runoff exists, a detailed erosion and sediment control plan will be developed to ensure that the construction and operation of the facility will conform to the regulatory requirements involving erosion and sedimentation control. The plan will include details such as contours and grading, sedimentation controls, area inlet sedimentation barriers and dams, road sections, storm drains and manholes, permanent and temporary roads, surfacing materials, construction and entrances. Implementation of Standard Condition

of Certification **Soil & Water 2** will ensure that a detailed plan is submitted to the CPM for approval prior to site mobilization.

SPILL PREVENTION/ WATER QUALITY PROTECTION PLANS

The total quantity of oil onsite (stored and in process) exceeds the threshold quantity of 1,320 gallons. The total volume is in excess of 12,000 gallons, accounting for two switchyard transformers containing approximately 6,000 gallons, 215 gallons for generator lubrication oil, 150 gallons for turbine lube oil, and 25 gallons for hydraulic fluid. Therefore, in accordance with Title 40 Code of Federal Regulations, Section 112.1 (d) (2), a Spill Prevention Control and Countermeasure Plan for the facility is required.

Up to 5,000 gallons of a 19 percent aqueous ammonia solution for use in the Selective Catalytic Reduction (SCR) system will be stored onsite in a steel tank built within a secondary containment. A California Accidental Release Prevention Program plan addressing the storage and handling of the aqueous ammonia will be approved by the local agency, Los Angeles County Fire Department, prior to introduction of the chemical on site. This plan is part of the Risk Management Plan required under Condition of Certification **HAZ-2**.

HAZARDOUS MATERIALS MANAGEMENT

Common hazardous materials including fuels, solvents, lubricants, paints, thinners, epoxy resins, sealants, adhesives, curing agents and welding flux will be used during the project's construction phase. Some of the same fuels and lubricants will also be used during the operational phase of the project. However, either very small or limited quantities of these materials would be stored or used thereby reducing the severity of the hazards associated with each material. Consequently, any offsite risks to the public are expected to be insignificant.

Ammonia, an acutely hazardous material, will be used to reduce nitrogen oxide emissions in a selective catalytic reduction process to meet air quality permit requirements. The ammonia will be of the aqueous type consisting of approximately 19 percent ammonia and 81 percent water. Up to 5,000 gallons (approximately 7,000 lbs.) of 19 percent aqueous ammonia would be onsite at one time. The facility would therefore need to comply with the California Accidental Release Prevention Program.

Aqueous ammonia is typically handled safely and without any major accidents. Any mishandling, however, can cause harm. Historical data suggests that an ammonia release can occur either due to the failure of the ammonia storage tank or during the unloading of an ammonia tanker truck during delivery. The closest residence is more than half a mile northeast of the project site and is unlikely to be significantly impacted in the event of such a release. La Cienega Blvd, a high volume highway, is located approximately 400 feet west and the Kenneth Hahn State Recreation Area is approximately 700 feet to the east of the site. Persons located on the highway or in the

vicinity of the recreation area, downwind of a release, could be impacted given the proximity of the highway and the recreation area unless appropriate mitigation measures are taken. However, any impact will be significantly mitigated through the use of an adequately and appropriately engineered storage and containment system as required by Conditions of Certification **HAZ-3** and **HAZ-4**.

Natural gas for the project will not be stored at the site but supplied through a 6-inch interconnection. However, the systems used to handle natural gas at the facility will need to comply with all applicable engineering design codes and fire protection codes. Staff recommends that in addition to standard Conditions of Certification **HAZ-1** and **HAZ-2**, supplemental conditions **HAZ-3** and **HAZ-4** be imposed on the project. It is staff's opinion that compliance with such standards will virtually preclude the potential for impact on the public as a result of natural gas handling at the proposed facility.

CULTURAL RESOURCES

The proposed Baldwin Hills Energy Facility No. 1 project will occupy approximately two acres located within Stocker Resources, Inc.'s Inglewood Oilfield in Los Angeles County. Three areas within the oil field have also been identified for use as equipment laydown area(s) and construction parking. The proposed project site and laydown areas are currently being used in association with oil production activities.

Entrix, Inc. was retained to conduct a cultural resource investigation of the Area of Potential Effects (APE), which included the project site, equipment laydown area(s), and associated linear facilities. A record search, which included areas within a one-quarter mile radius of the project site, was conducted on May 29, 2001 at the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS). The record search did not identify any previously recorded prehistoric or historic cultural resources within the APE, but did reveal that two cultural resource surveys have been conducted within a one-quarter mile radius of the proposed project.

One survey, LA98, included the proposed project area. This survey was conducted in 1975 for the development of the Baldwin Hills County Regional Park. Although no sites were recorded as a result of the survey, a large number of sites have been recorded in the Baldwin Hills area (Clewlow 1975). One significant prehistoric site dating from the late Pleistocene is also in the project vicinity. The site, considered to be of major scientific importance, contained human remains and was found within one mile of the proposed project site (Moratto 1984:52-53). The LA98 survey report did identify the possibility for encountering cultural resources in the area due to extensive areas of impenetrable brush in the vicinity of the project site. The brush stands resulted in low ground visibility during the survey and precluded a thorough survey of the area. In addition, the survey report does not identify the exact stands of brush surveyed and it was not possible to determine if the project site was covered by brush in the original survey. The second survey conducted in 1998 did not include the proposed project area (McLean 1998).

The LA98 survey report was conducted over 25 years ago and many construction activities have taken place, thereby altering the landscape and rendering the survey information outdated. Staff visited the project site on May 30, 2001 and observed a highly disturbed landscape. The main two-acre site is located on a graded, gravel pad adjacent to a working oil derrick. Imported fill was observed in the northern portion of the project site. Stocker Resources, Inc. was contacted regarding the exact depth and dimensions of the fill, but was unable to provide the information to staff. Staff, in consultation with the applicant's consultant, concluded that a new survey was required to make an accurate assessment.

The applicant's consultant conducted a new cultural resources survey of the proposed project area, equipment laydown area(s), and associated linear routes on June 7, 2001. Carrie Willis of Entrix contacted staff on June 8, 2001 and provided a verbal report of the results of the survey. Based on the inspection of road cuts and several pipelines crossing the APE, Wills determined that the entire APE is highly disturbed and covered with approximately 2-5 feet of imported fill. According to Willis, the likelihood of finding intact soil with cultural resources appears to be very low. CEC Emergency Siting staff concurs with the assessment and concludes that standard condition **CUL-1** is appropriate for this project. No on-site cultural resource monitoring is required. However, written documentation of the survey must be provided to staff as soon as the report becomes available to confirm the verbal report.

With the implementation of standard condition **CUL-1** the impact to cultural resources will be reduced to a level less than significant.

PALEONTOLOGICAL RESOURCES

The applicant retained the services of a professional paleontologist, Dr. Bruce Lander, to assess the paleontologic potential of the site. Dr. Lander conducted a search of the professional literature, summarized his previous field experience with the Baldwin Hills, and conducted a field inspection. Based on these activities, Dr. Lander concluded that throughout the area one can find a paleosol (i.e., an ancient soil profile), and that this paleosol has the potential for hosting fossils of micro-vertebrates (e.g., mice, voles, rabbits). In addition, he stated that the sediments underlying the paleosol (referred to as the Baldwin Hills gravels), have the potential of yielding significant vertebrate fossils. Based on these findings, Dr. Lander recommended construction monitoring as a suitable mitigation measure.

Staff conducted an independent search of the professional literature, to identify nearby locations where fossils of land vertebrates have been identified. The compilations of Jefferson (1991a, 1991b) identified a locality along Ballona Creek Wash (i.e., the creek that drains the Baldwin Hills) (Hay, 1927), and three localities in nearby Culver City (Stock, 1924). None of these localities are in the immediate vicinity of the site, but they are a reminder of the high fossil potential of the Plio/Pleistocene and Holocene sedimentary sequence of Los Angeles Basin.

Staff also held a brief interview with Dr. David P. Whistler, Curator of Cenozoic terrestrial microvertebrates. Dr. Whistler stated that, to the best of his knowledge, fossils of large terrestrial vertebrates have not been identified in the Baldwin Hills.

Staff also conducted a site visit. Based on inspection of surface outcrops alone, it seems that the western portion of the pad where the power plant would be constructed is underlain by artificial fill. The west side, however, seems to be underlain by a Recent natural soil horizon, relatively undisturbed marine terrace deposits, and weathered sandstones (which could belong to the Pliocene Fernando Formation) that support an oxidized paleosol. In an alternative interpretation, the geologic map of the Baldwin Hills (Dibblee, 1991), shows the power plant site to straddle the contact between Pleistocene alluvium and the Fox Hills residual paleosol developed on top of the alluvium.

Based on these observations CEC staff concludes that there is a small likelihood for construction activities to impact fossils of marine vertebrates (e.g., whales or sea lions "beached" on the marine terrace deposits) or small terrestrial vertebrates (e.g., rodents that may have inhabited the paleosol profile).

Staff concludes that, even though the likelihood of disturbing major vertebrate fossils during project construction is low, it is reasonable to implement some basic mitigation measures during construction. The applicant's consultant has proposed to have a paleontologist monitor construction activities. CEC staff concurs with this mitigation plan, and incorporates it as standard condition **PALEO-2** in this Staff Assessment.

GEOLOGICAL RESOURCES

The site is located in the Baldwin Hills, one of a series of aligned hills and mesas that extend from Newport to Inglewood. These uplifted features have resulted from a combination of different rates of uplift along the Newport-Inglewood fault. The central portion of the Baldwin Hills is transected by at least two strands of the Newport-Inglewood fault. The proposed power plant site is in the block bound by both faults. About 1,500 feet to the east of the site, a west-facing linear scarp that ranges in height from 75 to 150 feet marks the trace of the main strand of the fault, whereas about 1,000 feet to the west there is an east-facing scarp that may represent the northern continuation of the Potrero fault (this scarp is as much as 50 feet high east of Centinela School). Several additional strands have been identified in the subsurface, based on the drilling data of the Inglewood Oilfield.

The Baldwin Hills have been mapped by Dibblee (1991), in whose map the power plant site straddles the contact between Pleistocene alluvium and the Fox Hills residual paleosol developed on top of the alluvium. Some of the so-called alluvium was probably deposited in a shallow marine terrace. The alluvium is underlain by deformed sediments of the Pliocene Fernando Formation (Pico member), which is the host unit of the Inglewood oil reservoir.

GEOLOGIC HAZARDS

SEISMIC HAZARDS

The proposed site is within 1,500 of the main strand of the Newport-Inglewood fault. Movement along this fault generated the 1933 Long Beach earthquake, which had a Richter magnitude of 6.3. The 1933 earthquake was generated just off the coast of Newport Beach, with aftershocks occurring along the fault between Newport Beach and Long Beach. No observable ground rupture accompanied this event, but some extensive settlement cracks were observed in the flat alluvium of the Los Angeles basin. According to Richter (1958), 120 lives were lost during this earthquake, and property damage was estimated at 50 million dollars (in 1933 dollars). Shaking intensity in the area between Santa Monica and Laguna Beach (including the Baldwin Hills) rated at VII or higher in the Modified Mercalli intensity scale.

Toppozada et al. (1988) prepared a planning scenario for a major earthquake (M_W 7.0) along the Newport-Inglewood fault, and concluded that the Baldwin Hills are likely to experience seismic shaking with an intensity of VIII to IX in the Modified Mercalli intensity scale. A seismic intensity of VIII would result in "Slight damage to masonry structures built especially to withstand earthquakes. Damage would be considerable in ordinary substantial buildings, and may involve partial collapse. Wooden houses might loose panel walls or tumble down. Chimneys, columns, monuments, factory stacks, and factory towers might twist or fall." A seismic intensity of IX would result in "Considerable damage to masonry structures built especially to withstand earthquakes. Great damage to ordinary substantial buildings, including total collapse. Wood-frame houses built especially to withstand earthquakes might be thrown out of plumb. Considerable damage to chimneys, columns, monuments, factory stacks, and factory towers. Underground pipes might break."

Staff concludes that the site has the potential for experiencing severe ground vibration in the event of an earthquake along the Newport-Inglewood fault, and perhaps also some ground cracking. Under these conditions, the minimum legal requirement is that the design conforms to Zone 4 standards of the California Building Code. In addition, the standard of practice calls for review of the design by a competent engineering team (see Condition of Certification **GEOL-1**).

SLOPE STABILITY

The proposed site is located on top of a ridge, with minimum setbacks of 100 feet from the slopes that bound the ridge to the east and west. Unfortunately ridge tops are sometimes subject to gravitational spreading (Hart et al., 1990), presumably because of wave interference between wave trains reflecting from the crest of the ridge. Examples of ridge-top spreading have been presented Bryant (1991), Aydin et al. (1992), Ponti and Wells (1991), Hart et al. (1990), Cotton et al. (1990).

Staff concludes that the site has the potential for experiencing ridge-top spreading, a condition that may require special mitigation measures (see Condition of Certification **GEOL-2**).

LIQUEFACTION

The site is partially underlain by clean, unconsolidated medium sands, probably accumulated as beach sands on a shallow marine terrace. The extent of these deposits is unknown at this time, but staff notes that this type of deposits are susceptible to liquefaction when the water table is shallow and seismic vibration is strong. The position of the water table under the site has not been determined.
staff concludes that the site has potential for experiencing liquefaction, so a site-specific liquefaction study will be required (see Condition of Certification **GEOL-3).**

FLOODING

The site is at an elevation of approximately 350 feet above sea level, and there are about 300 feet of relief between the site and the channel of Ballona Creek to the north. Based on the large difference in elevation, staff concludes that there is no flooding risk at the site.

GEOLOGIC RESOURCES

The site is in the middle of the Inglewood Oilfield, but because of its small footprint it is unlikely that construction of a power plant will limit access to this geologic resource. Staff concludes that development of the project will not irretrievably limit access to the geologic resources of the area.

NOISE

The main sources of noise in the vicinity of the proposed project are the existing Stocker Resources oilfield and natural gas operations. Heavy machinery and equipment used in the extraction process as well as maintenance vehicles, facility activities, and personnel add extensively to noise in the vicinity. In addition, La Cienega Boulevard, a high-use primary arterial through the Los Angeles Basin, is located approximately 400 feet west of the proposed site and contributes significantly to the noise in the area. Kenneth Hahn State Recreation Area, located approximately 700 feet to the east of the site sees high levels of use resulting in intermittent high levels of noise in the vicinity. The hilly topography and forested terrain surrounding the project site assist in lowering noise levels from the existing oilfield.

Noise modeling and acoustical calculations and were conducted by Entrix to estimate sound levels from the proposed project. The County of Los Angeles Noise Ordinance (Section 12.08.390), which establishes exterior noise standards for all receptors within a

given land use zone, was used to determine noise limits. The land use designation and time of day determine the applicable noise standard for a particular land use zone and receptors within that zone. The County Noise Ordinance limits for residential properties are 45 dBA for the hours of 10:00 pm to 7:00 am and 50 dBA for the hours of 7:00 am to 10:00 pm.

The County Noise Ordinance does not establish noise thresholds for agriculture or park land. Since the use as a power plant is an industrial land use, on-site noise generation would be limited by the threshold for industrial noise. The applicant has indicated that the project would generate noise levels at 70dBA at the nearest property line, which is in compliance with the County Noise Ordinance limits of 70 dBA for industrial designations.

Information supplied by the applicant estimated the noise level from the project will be 35 dBA at the nearest residence and 58 dBA at the oilfield property line adjacent to La Cienega Boulevard. Both of these levels are within the acceptable range established by the above mentioned Noise Ordinance.

The nearest sensitive receptors to the proposed project are multi and single family residences approximately 0.5 mile to the northwest of the project site. The next closest residential properties are approximately 0.75 of a mile from the proposed site. However, with the increased distance from the project location, the sound level outside the 0.75 mile radius is expected to be well within acceptable Noise Ordinance limits. Implementation of Standard Conditions of Certification **NOISE-2** and **NOISE-3** will ensure that all residents within a one-mile radius are notified before construction of the proposed project begins and that the applicant investigates all noise related complaints and attempts adequate resolution.

Users of the nearby Kenneth Hahn State Recreation Area would also be susceptible to noise generated by the proposed project. The County has not established a noise threshold for park use, so the noise threshold for the land use that most closely resembles the true land use would be applied. This would be the residential threshold, since the recreation area could be utilized by children or the elderly.

Because the park is generally used during the daylight hours and is not subject to residential p.m. limits, the daytime residential threshold of 50 dBA is the most applicable. Information supplied by the applicant estimates the noise at the property boundary adjacent to the Kenneth Hahn State Recreation Area to be 50 dBa.

Construction related noises are not expected to exceed any level currently emitted from the oilfield property, the project site or the general vicinity. If construction is conducted during evening and nighttime hours, implementation of Condition of Certification **NOISE-4** will ensure that applicant is in compliance with all applicable noise standards set forth in the Los Angeles County Noise Ordinance for p.m. hours.

Implementation of Standard Condition of Certification **NOISE-1,** requires that applicant comply with all applicable community noise standards. Within the first 30 days of project operation where 80 percent or greater of capacity is generated the applicant

shall conduct a 25 hour survey to ensure that noise level at the nearest sensitive receptors (residential properties and the recreation area) are both within the acceptable limits of 45 dBA and 50 dBA respectively. If the noise exceeds the above mentioned levels, mitigation measures shall be implemented to reduce levels to comply with the established limits.

The coastal sage scrub habitat surrounding the site supports high densities of breeding birds, which can be adversely affected by excessive noise levels. Noise levels generated by the plant are estimated at 70 dBA. Research has shown that ambient noise levels above 60 dBA may result in decreased breeding success in some songbird species. USFWS recommends that measures be taken to reduce the noise level at the proposed plant operating site to below 60 dBA in order to reduce impacts to breeding birds within the coastal sage scrub habitat (USFWS 2001). Staff recommends the noise survey required under **NOISE-1** also measure noise levels at the nearby coastal sage scrub habitat. If noise levels are found to be greater than 60 dBA, mitigation measures shall be implemented to reduce levels to comply with the established limits.

To establish a noise complaint process during construction, implementation of Standard Condition of Certification **NOISE-2** will ensure that all residents within one mile of the project site are notified prior to start of construction activities. **NOISE-3** requires that all noise complaints are addressed and adequate resolutions are proposed. Standard Condition **NOISE-4** is required if evening or nighttime construction occurs.

VISUAL RESOURCES

Visual resources at the proposed project site and in the immediate vicinity are considerably degraded, as a result of the Stocker Resources Inc.'s oilfield operations (see **Figure 3**). The adjacent property contains equipment and facilities characterizing oil and natural gas production. There are numerous derricks, access roads, support structures and facilities, and water and fuel storage tanks. In addition, there are electrical transmission corridors parallel to the eastern and western property boundaries of the site, and distribution power lines running throughout the oilfield property.

The topography in the immediate vicinity of the proposed site has slopes and gradients ranging from 0-20 percent. Views of the proposed facility would be available from every direction within a mile radius of the project site, most notably from residents on the western and eastern ridges overlooking the site. Currently, views of the site from the adjacent Kenneth Hahn State Recreation Area are partially screened by eucalyptus trees and other landscaping (see **Figure 4**).

As noted above, the facility would be visible from nearby residential areas. Ladera Heights, a residential community approximately 0.75 miles to the southwest of the proposed site and Blair Hills, a residential area approximately 0.75 miles to the northwest of the site, would have views of the stacks and portions of the modular components of the project. Motorists traveling either north or south on La Cienega

would have intermittent views of the facility due to the undulating topography surrounding the project site.

The introduction of a facility that proposes modular components approximately 20 feet in height and exhaust stacks of 70 feet would increase the visual impact to nearby park users. The oilfield production property and supporting equipment are visible in nearly every direction and the proposed facility would add cumulatively to the lack of visual quality of the area. It is therefore determined that the proposed project would increase the overall visual impacts in the immediate and general vicinity.

The applicant has proposed a landscape plan using cluster shrubs to screen the project. The applicant proposes landscaping on the western boundary of the project site to screen views from motorists on La Cienega Boulevard. The proposed landscaping would include approximately 600 feet of large shrubs, providing partial screening on the western and eastern boundaries of the project site. The applicant has also proposed an additional 200 feet of large shrubs at the northern boundary of the project site to help screen views from approaching motorists on La Cienega, the entrance to the Kenneth Hahn State Recreation Area, and residents of Blair Hills residential development. South approaching motorists using La Cienega Boulevard will have intermittent views of the stacks. The applicant has not proposed landscaping for the southern boundary of the project site.

The proposed project will add to the existing negative impact of the oilfield operations, and further degrade the visual resources of the existing Kenneth Hahn State Recreation Area and the views from the surrounding residential areas. Staff recommends additional visual mitigation to screen views of the project from these areas. This mitigation will be specified in the landscaping plan required under Condition of Certification **VIS-3,** and may include either on-site or off-site landscaping as appropriate to screen these areas. This landscaping plan shall be consistent with the planned landscaping of the Baldwin Hills Park and must be approved by the Compliance Project Manager. The landscaping plan shall also be made available to the California Department of Parks and Recreation and the Baldwin Hills Conservancy for review and comment.

Implementation of Standard Conditions of Certification **VIS-1**, **VIS-2**, and **VIS-3** will ensure that the proposed project will decrease and moderate the impacts to visual resources in the area.

Insert Figure 3&4 (back-to-back)

TRAFFIC AND TRANSPORTATION

Regional access to the project site is provided via Interstate 405 and Interstate 10. Slauson Avenue, La Cienega Boulevard and La Brea Boulevard are the proposed local access routes for the construction phase of the project. Both La Cienega and La Brea are major arterials through the Los Angeles Basin. A Level of Service (LOS) survey was conducted for this area by the Los Angeles Metropolitan Transportation Authority in 1999. The traffic study used a Level of Service (LOS) analysis (an A through E classification based on traffic capacity, whereas A represents free flow and E represents extended delays). The survey was conducted at the intersection of La Cienega and Stocker Street to show the peak a.m. and p.m. LOS. The a.m. peak survey was done between 7:30-8:30 and showed Intersection Capacity Utilization (ICU) operating at a LOS "E". The p.m. peak survey was conducted between 3:15–4:15 and found ICU also operating at a LOS "E". Although the intersection ICU is 0.98 during morning peak hours and 0.99 during evening peak hours, the traffic increase during the construction phase of the project will last no more than four months. Staff has concluded that current traffic conditions on project area roadways warrant an additional condition to ensure that area roadways are not significantly impacted by material deliveries to the project. Condition of Certification **TRANS-6** will require that all construction and operational project deliveries occur during non-peak travel periods. As previously noted in this report, staff has received numerous comments on the proposed project. Many of these comments have complained of potential project-related traffic impacts. Staff has concluded that this condition adequately addresses these concerns.
A draft Traffic Control Plan (TCP) was submitted by the applicant with measures that will minimize impacts on traffic flow including the establishment of construction work hours, delivery of heavy equipment and building materials outside of the peak traffic periods. The TCP would also limit vehicular traffic to approved access roads, construction yards, and construction sites, and the scheduling of traffic lane or road closures during off-peak hours whenever possible. Other features include installing crossing structures to avoid obstructing roads, and using proper signs and traffic control measures in accordance with Caltrans and City requirements. A TCP must be submitted to the CPM for approval prior to the start of construction activities (**TRANS-5**). In addition, the applicant shall obtain all required encroachment and transportation permits prior to the start of construction activites. Implementation of Standard Conditions of Certification **TRANS-1** and **TRANS-2** will ensure that all county encroachments into public right-of-ways and all limitations on vehicle size and weights will comply with Caltrans and County requirements.

Transportation of hazardous materials to the site including aqueous ammonia should be in compliance with California Highway Patrol and Caltrans requirements. **TRANS-3** requires the applicant to obtain the necessary permits and licenses for transportation of these hazardous materials.

The proposed linear facilities for electric interconnects are west of the project site, adjacent to La Cienega. At most, minor impacts to La Cienega Boulevard are expected

during the construction of linear facilities, and are not expected to have a significant impact on traffic flow.

The equipment transport route will be via Interstate 405 and Interstate 10 to La Cienega to Stocker Street. Parking for the construction workforce will take place on the oilfield property. The applicant estimates a peak workforce of 80 employees generating approximately 2.5 trips per worker per day or 200 total trips per day. Equipment and deliveries, including flatbed trucks, 100 ton cranes, personnel trailers and related equipment are expected to generate an average of 10 vehicle trips per day during the construction of the project. Both personnel and construction vehicle requirements for the proposed project will temporarily affect traffic flow, however, the impact is not expected to be significant with implementation of Condition of Certification **TRANS-6**, which limits all construction and operational project deliveries to non-peak times.

The facility is expected to employ seven people during operation, with parking provided on-site. Employees of the facility will generate approximately 2.5 trips each or 17.5 average trips per day, which will not significantly impact traffic on roadways in the immediate vicinity.

Implementation of Standard Conditions of Certification **TRANS-1**, **TRANS-2**, **TRANS-3**, **TRANS-4**, **TRANS-5**, and **TRANS-6** will ensure that traffic impacts from the proposed project will be less than significant.

PUBLIC SERVICES

An ability to serve the proposed project site was confirmed in a letter dated May 4, 2001, from the Assistant Fire Chief, Micheal W. Dyer. "The Los Angeles County Fire Department will continue to provide fire, life safety, and emergency medical services to the proposed power plant project at Stocker Resources, Inc.'s Inglewood Oil Field."

Los Angeles County Fire Station Number 58 is located less than one half mile from the proposed project site and would serve as the administering agency and designated response team in the case accidental release of hazardous substances.

ENVIRONMENTAL JUSTICE

For all sitting cases staff follows the U.S. Environmental Protection Agency's guidance in conducting a two-step environmental justice analysis. This analysis assesses:

- Whether the potentially affected community has a population that is more than 50 percent minority and/or low-income

- Whether the environmental impacts are likely to fall disproportionately on the minority and/or low-income population

Staff has determined the affected area for this environmental justice analysis to be the area within a six-mile radius of the proposed project site. The affected area is defined as the area potentially impacted by the proposed project, focusing on air quality and public health. **Figure 5** shows the minority population of census tracts within a six-mile radius of the project site as determined by the 2000 census. The 2000 census indicates that approximately 56 percent of the persons in census tracts that are wholly or partially within a six-mile radius of the project site were persons of color.

Because the federal guidance does not give a percentage of population threshold to determine when a low-income population becomes recognized for an environmental justice analysis, staff use the same greater than 50 percent threshold that is used in minority populations. **Figure 6** shows the percentage of people in poverty in census tracts within a six-mile radius of the project site according to the 1990 census, the most recent for which poverty data is currently available. A total of 19.6 percent of people within the six-mile radius of the project site were identified as living in poverty, and only a single census tract, located approximately six miles northwest of the project site, includes a greater than 50 percent low-income population. The low-income population in the area is significantly below the 50 percent threshold.

Staff has reviewed the overall impacts expected from this proposal, with the exception of the impacts from air emissions, which are being evaluated by SCAQMD. Staff has proposed Conditions of Certification that will reduce all impacts to less than significant levels for those technical areas where the evaluation of this project is complete. Because of the lack of significant impacts, staff did not perform an analysis to determine if there are "disproportionate" impacts on a minority or low income community. Staff has not identified any environmental justice issues associated with the project, but will complete this evaluation when the analysis of impacts from air emissions is available.

Senator Kevin Murray and others have raised more general questions about the overall pattern of siting of the emergency power plant projects, including the presence of minority communities near other emergency projects. The Energy Commission responded to Senator Murray in a letter dated June 8, 2001.

ENGINEERING

The project will be designed and constructed in compliance with the California Building Code (CBC) and all other applicable engineering LORS (see Condition of Certification **GEN-1** below). This will be assured by the Commission's delegate Chief Building Official (CBO), whose duties are prescribed under the CBC. These duties include the review of project designs by qualified engineers and the inspection of project construction by qualified inspectors. The CBO's performance, in turn, will be ensured through monitoring by the Commission's Compliance Project Manager (CPM).

CONCLUSION

This project is being considered outside of the Energy Commission's normal power plant permitting process. Under Public Resources Code Section 25705, if the legislature or the Governor declares a state of energy emergency, the Commission has emergency authority to order the construction and use of generating facilities under terms and conditions it specifies to protect the public interest. Governor Gray Davis declared a state of emergency on January 17, 2001. He declared that the energy supply emergency poses a threat to public health, safety, and welfare, and requires the siting of new power plants that can be on-line to avoid electricity supply shortages this summer and next.

For the emergency permitting process, the analysis of the air quality impacts of emergency permit applications is performed by the California Air Resources Board and the local air pollution control district. The SCAQMD has not completed its analysis of this project, and has not issued draft permits. Until an analysis of impacts from air emissions is complete, staff cannot recommend approval of this project. The Conditions of Certification proposed in this Staff Assessment will serve to protect the public interest and the environment in the areas evaluated by Energy Commission staff. After completion of the analysis of the impacts from air emissions is completed, staff will determine whether additional conditions are needed to protect public health and the environmental from the air quality impacts of this project. The Conditions of Certification proposed in this Staff Assessment include requirements for the project owner to comply with the appropriate air permits, if they are issued.

At this time, staff cannot recommend approval of this project. When the evaluation of impacts from air emissions is completed, staff will reconsider whether to recommend approval of the project, and whether additional Conditions of Certification are necessary to protect the public interest, public health, and the environment.

STAFF CHECKLIST

The following Emergency Permit Evaluation Checklist is designed to provide an easy-to-follow guide to the application and staff's analysis of project impacts. Included in the Checklist are the Application Requirements, a determination by staff of whether or not the material was provided, and the location of the information in the applicant's document. The checklist then shows staff's analysis of significant issues, any special conditions needed to resolve those issues, and any required comments or references.

BALDWIN ENERGY FACILITY NO. 1 (01-EP-11)
EMERGENCY PERMIT EVALUATION CHECKLIST
CALIFORNIA ENERGY COMMISSION

REQUIREMENT	Y/N	Application pages	Significant Issues	Special Conditions	Comments
1 Project Description					
1.1 Project owner/operator (Name, title, address, phone)	Yes	Page 1			
1.2 Overview of power plant and linear facilities	Yes	Page 1; Attachment 1.3			
1.3 Structure demensions (size and height), plan and profile	Yes	Page 2			
1.4 Full size color photo of the site and rendering of proposed facility if available	Yes	Attachments1.4 and 15.2			
1.5 Maximum foundation depth, cut and fill quantities	Yes	Pages 2-3			Reinforced concrete foundation mats will rest on a graded site using cut and fill.
1.6 Conformance with California Building Code	Yes	Page 3			All engineering design and construction work will be performed to the applicable LORS, including the California Bulding Code.
1.7 Proposed operation (hours per year)	Yes	Page 3			

REQUIREMENT	Y/N	Application pages	Significant Issues	Special Conditions	Comments
1.8 Expected on-line date	Yes	Page 3; Attachment 3.1			
1.9 Proposed duration of operation (years)	Yes	Page 3			
1.10 Identify transmission interconnection facilities	Yes	Page 3			
1.11 Transmission interconnection application	Yes	Attachment 1.11			
1.12 "Down-stream" transmission facilities, if known	Yes	Page 3			
1.13 Fuel interconnection facilities	Yes	Page 3			
1.14 Fuel interconnection application	Yes	Page 4; Attachment 1.14			
1.15 Water requirements and treatment	Yes	Page 4			
1.16 Water interconnection facilities (supply/discharge)	Yes	Page 4			
1.17 Source and quality of water supply	Yes	Page 4			
1.18 Water supply agreement/ proof of water supply	Yes	Attachment 1.18			
2 Site Description					
2.1 Site address (street, city, county)	Yes	Page 5			
2.2 Assessor's parcel number	Yes	Page 5			

REQUIREMENT	Y/N	Application pages	Significant Issues	Special Conditions	Comments
2.3 Names and addresses of all property owners within 500 feet of the project site or related facilities in both hard copy and electronic mail merge format.	Yes	Page 5			
2.4 Existing site use	Yes	Page 5			
2.5 Existing site characteristics (paved, graded, etc.)	Yes	Page 6			
2.6 Layout of site (include plot plan)	Yes	Page 6; Attachment 1.3			
2.7 Zoning and general plan designations of site and linear facilities	Yes	Page 6			
2.8 Ownership of site (Name, address, phone)	Yes	Page 6			
2.9 Status of site control	Yes	Page 6	No verification of site control at this time.		Site control verification is conditioned.
2.10 Equipment laydown area – size and location	Yes	Page 6; Attachment 1.3A			
3 Construction Description					
3.1 Construction schedule	Yes	Page 7; Attachment 3.1			
3.2 Workforce requirements (peak, average)	Yes	Page 7			

REQUIREMENT	Y/N	Application pages	Significant Issues	Special Conditions	Comments
4 Power Purchase Contract (DWR, ISO, other)					
4.1 Status of negotiations and expected signing date	Yes	Page 8			
5 Air Emissions					
5.1 Nearest monitoring station (location, distance)	Yes	Page 9			
5.2 Provide complete self certification air permit checklist	Yes	Attachment 5.2			
5.3 Provide complete air permit application	Yes	Attachment 5.3			
5.4 Status of air permit application with air district	Yes	Page 10			
5.5 Status of offsets and/or mitigation fees, as required	Yes	Page 10			
6 Noise					
6.1 Local noise requirements	Yes	Page 11			
6.2 Nearest sensitive receptor (type, distance)	Yes	Page 11			
6.3 Project noise level at nearest property line	Yes	Pages 11-12			
6.4 Proposed mitigation if required	Yes	Page 12			

REQUIREMENT	Y/N	Application pages	Significant Issues	Special Conditions	Comments
7 Hazardous Materials					
7.1 Type and volume of hazardous materials on-site	Yes	Page 13			
7.2 Storage facilities and containment	Yes	Page 13			
8 Biological resources					
8.1 Legally protected species* and their habitat on site, adjacent to site and along right of way for linear facilities *(*threatened or endangered species on State or federal lists, State fully protected species)*	Yes	Page 14; Attachment 8			
8.2 Designated critical habitat on site or adjacent to site (wetlands, vernal pools, riparian habitat, preserves)	Yes	Page 14; Attachment 8	There is a vernal pool in transmission line corridor.	Avoidance of vernal pool is required. BIO-8	
8.3 Proposed mitigation as required	Yes	Page 14; Attachment 8			
9 Land Use					
9.1 Local land use restrictions (height, use, etc.)	Yes	Page 15			Project would require a CUP under current zoning designation.
9.2 Use of adjacent parcels (include map)	Yes	Page 15			

REQUIREMENT	Y/N	Application pages	Significant Issues	Special Conditions	Comments
9.3 Ownership of adjacent parcels – site and linears	Yes	Page 15; Attachment 2.3			
9.4 Demographics of census tract where project is located (most current available)	Yes	Page 16			
10 Public Services					
10.1 Ability to serve letter from Fire District	Yes	Page 17			
10.2 Nearest fire station	Yes	Page 17			
11 Traffic and Transportation					
11.1 Level of Service (LOS) measurements on surrounding roads – a.m. and p.m. peaks	Yes	Page 18			
11.2 Traffic Control Plan for roads during construction	Yes	Page 19			
11.3 Traffic impact of linear facility construction	Yes	Page 19			
11.4 Equipment transport route	Yes	Pages 19-20			
11.5 Parking requirements – workforce and equipment	Yes	Page 20			
12 Soil and Water Resources					
12.1 Wastewater volume, quality, treatment	Yes	Page 21			

REQUIREMENT	Y/N	Application pages	Significant Issues	Special Conditions	Comments
12.2 Status of permits for wastewater discharge or draft permit (WDR/NPDES)	Yes	Page 21			
12.3 Draft Erosion Prevention and Sedimentation Control Plan or Mitigation Strategy	Yes	Page 21			
12.4 Spill Prevention/Water Quality Protection Plans	Yes	Pages 21-22			
13 Cultural Resources					
13.1 Identification of known historic/prehistoric sites	Yes	Page 23; Attachment 13			
13.2 Proposed mitigation if required	Yes	Page 23; Attachment 13			
14 Paleontological Resources					
14.1 Identification of known paleontologic sites	Yes	Page 25; Attachment 14.1			Fossils of large vertebrates have not been located in the immediate area, but fossils of small vertebrates are common in the Fox Hill paleosol.
14.2 Proposed mitigation if required	Yes	Pages 25-26; Attachment 14.1		PALEO-2 will apply to this project.	

REQUIREMENT	Y/N	Application pages	Significant Issues	Special Conditions	Comments
15 Visual resources					
15.1 Plan for landscaping and screening to meet local requirements	Yes	Page 27			
15.2 Full size color photo of the site and rendering of proposed facility with any proposed visual mitigation if available	Yes	Page 27; Attachment 15.2			
16 Transmission System Engineering					
16.1 Conformance with Title 8, High Voltage Electrical Safety Orders, CPUC General Order 95 (or NESC), CPUC Rule 21, PTO Interconnection Requirements, and National Electric Code	Yes	Page 28			

BALDWIN HILLS ENERGY FACILITY NO.1 (01-EP-11) GENERAL CONDITIONS INCLUDING COMPLIANCE MONITORING AND CLOSURE PLAN

INTRODUCTION

General conditions (and the Compliance Plan) have been established as required by Public Resources Code section 25532. The plan provides a means for assuring that the facility is constructed, operated and closed in accordance with applicable environmental and public health and safety laws, ordinances, regulations, and standards, and with Conditions of Certification as approved by the California Energy Commission (Energy Commission).

The Compliance Plan is comprised of general conditions and technical (environmental and engineering) conditions as follows:

General conditions that set forth the duties and responsibilities of the Compliance Project Manager (CPM), the project owner, and delegate agencies; the requirements for handling confidential information and maintaining the compliance record; procedures for settling disputes and making post-certification changes; administrative procedures to verify the compliance status; and requirements for facility closure plans.

Specific conditions for each technical area contain the measures required to mitigate potential adverse impacts associated with construction, operation and closure to an insignificant level. Specific conditions may also include a verification provision that describes the method of verifying that the condition has been satisfied.

DEFINITIONS

To ensure consistency, continuity and efficiency, the following terms, as defined, apply to all technical areas, including Conditions of Certification:

Site Mobilization

Moving trailers and related equipment onto the site, usually accompanied by minor ground disturbance, grading for the trailers and limited vehicle parking, trenching for utilities, installing utilities, grading for an access corridor, and other related activities. Ground disturbance, grading, etc. for site mobilization are limited to the portion of the site necessary for placing the trailers and providing access and parking for the occupants. Site mobilization is for temporary facilities and is therefore not considered construction.

Ground Disturbance

Onsite activity that results in the removal of soil or vegetation, boring, trenching or alteration of the site surface. This does not include driving or parking a passenger vehicle, pickup truck, or other light vehicle, or walking on the site.

Grading

Onsite activity conducted with earth-moving equipment that results in alteration of the topographical features of the site such as leveling, removal of hills or high spots, or moving of soil from one area to another.

Construction

[From Public Resources Code section 25105.] Onsite work to install permanent equipment or structures for any facility. Construction does **not** include the following:

a. The installation of environmental monitoring equipment.

b. A soil or geological investigation.

c. A topographical survey.

d. Any other study or investigation to determine the environmental acceptability or feasibility of the use of the site for any particular facility.

e. Any work to provide access to the site for any of the purposes specified in a, b, c, or d.

TERM OF CERTIFICATION

Certification is for three years with an option to apply to the Energy Commission for recertification unless the project owner has a valid power purchase agreement with the California Department of Water Resources in place by the start of operation. With such an agreement in place, the certification shall be for the term of the agreement, with the possibility of an extension. If an extension is granted, Condition of Certification **LAND-3** requires the project to close within 30 years of the start of operation, upon cessation of oilfield operations, or upon acquisition of the property by the Baldwin Hills Conservancy, whichever is soonest.

To qualify for an extension, the project owner must verify at the end of the term of agreement that the project meets the following continuation criteria:

- the project is permanent, rather than temporary or mobile in nature;

- the project owner demonstrates site control;

- the project owner has secured permanent emission reduction credits (ERCs) to fully offset project emissions for its projected run hours prior to expiration of any temporary ERCs;

- the project is in current compliance with all Energy Commission permit conditions specified in the final decision;

- the project is in current compliance with all conditions contained in the Permit to Construct and Permit to Operate for the project; and

- the project continues to meet BACT requirements.

The project shall expire if these continuation criteria are not met. At least six months prior to the expiration of the power purchase agreement with the Department of Water Resources (DWR) the project owner shall provide verification that these conditions have been meet.

In addition, the project owner shall submit a report after completion of the first three years in operation, as described below.

COMPLIANCE PROJECT MANAGER (CPM) RESPONSIBILITIES

A CPM will oversee the compliance monitoring and shall be responsible for:

1. ensuring that the design, construction, operation, and closure of the project facilities is in compliance with the terms and conditions of the Commission Decision;

2. resolving complaints;

3. processing post-certification changes to the Conditions of Certification, project description, and ownership or operational control;

4. documenting and tracking compliance filings; and

5. ensuring that the compliance files are maintained and accessible.

The CPM is the contact person for the Energy Commission and will consult with appropriate responsible agencies and the Energy Commission when handling disputes, complaints and amendments.

The Commission has established a toll free compliance telephone number of **1-800-858-0784** for the public to contact the Commission about power plant construction or operation-related questions, complaints or concerns.

Pre-Construction and Pre-Operation Compliance Meeting

The CPM may schedule pre-construction and pre-operation compliance meetings prior to the projected start-dates of construction, plant operation, or both. The purpose of these meetings will be to assemble both the Energy Commission's and the project owner's technical staff to review the status of all pre-construction or pre-operation requirements contained in the Energy Commission's Conditions of Certification to confirm that they have been met, or if they have not been met, to ensure that the proper action is taken.

Energy Commission Record

The Energy Commission shall maintain as a public record, in either the Compliance file or Docket file, for the life of the project (or other period as required):

1. All documents demonstrating compliance with any legal requirements relating to the construction and operation of the facility;

2. All complaints of noncompliance filed with the Energy Commission; and

3. All petitions for project modifications and the resulting staff or Energy Commission action taken.

PROJECT OWNER RESPONSIBILITIES

It is the responsibility of the project owner to ensure that the general compliance conditions and the Conditions of Certification are satisfied. The general compliance conditions regarding post-certification changes specify measures that the project owner must take when requesting changes in the project design, compliance conditions, or ownership. Failure to comply with any of the Conditions of Certification or the general compliance conditions may result in reopening of the case and revocation of Energy Commission certification, an administrative fine, or other action as appropriate.

Access

The CPM, responsible Energy Commission staff, and delegate agencies or consultants, shall be guaranteed and granted unrestricted access to the power plant site, related facilities, project-related staff, and the records maintained on site, for the purpose of conducting audits, surveys, inspections, or general site visits. Although the CPM will normally schedule site visits on dates and times agreeable to the project owner, the CPM reserves the right to make unannounced visits at any time.

Compliance Record

The project owner shall maintain project files on-site or at an alternative site approved by the CPM, for the life of the project. The files shall contain copies of all "as-built" drawings, all

documents submitted as verification for conditions, and all other project-related documents for the life of the project, unless a lesser period is specified by the Conditions of Certification.

Energy Commission staff and delegate agencies shall, upon request to the project owner, be given unrestricted access to the files.

Compliance Reporting

The project owner shall submit status reports to the CPM every two weeks indicating its progress in meeting milestones for procuring necessary project components and all required approvals for construction and operation of the facility by September 30, 2001. The first of these reports will be due two weeks after certification of the project by the Energy Commission.

Start of Operations

The Baldwin Hills Energy Facility No.1 shall be on-line by no later than September 30, 2001. If the Baldwin Hills Energy Facility No.1 is not operational by September 30, 2001, the Energy Commission will conduct a hearing to determine the cause of the delay and consider what sanctions, if any, are appropriate. If the Energy Commission finds that the project owner failed to proceed with due diligence to have the Baldwin Hills Energy Facility No.1 in operation by September 30, 2001, the Energy Commission will set a specific date by which the Baldwin Hills Energy Facility No.1 must be brought on-line as a condition precedent to continue the certification.

Three-Year Review

No later than 15 days after completion of the first three years in operation, the project owner shall submit to the Energy Commission a report of operations that includes a review of the project's compliance with the terms and Conditions of Certification, the number of hours in operation, and the demand for power from the facility during the three year period.

Compliance Verifications

Conditions of Certification may have appropriate means of "verification". The verification describes the Energy Commission's procedure(s) to ensure post-certification compliance with adopted conditions. The verification procedures, unlike the conditions, may be modified, as necessary by the CPM, without full Energy Commission approval.

Verification of compliance with the Conditions of Certification can be accomplished by:

- reporting on the work done and providing the pertinent documentation in monthly and/or annual compliance reports filed by the project owner or authorized agent as required by the specific Conditions of Certification;

- appropriate letters from delegate agencies verifying compliance;
- Energy Commission staff audits of project records; and/or
- Energy Commission staff inspections of mitigation and/or other evidence of mitigation.

A cover letter from the project owner or authorized agent is required for all compliance submittals and correspondence pertaining to compliance matters. The cover letter subject line shall identify the involved condition(s) of certification by condition number and include a brief description of the subject of the submittal.

All submittals shall be addressed as follows:

Compliance Project Manager
California Energy Commission
1516 Ninth Street (MS-3000)
Sacramento, CA 95814

Confidential Information

Any information, which the project owner deems confidential shall be submitted to the Energy Commission's Docket with an application for confidentiality pursuant to Title 20, California Code of Regulations, section 2505(a). Any information, which is determined to be confidential, shall be kept confidential as provided for in Title 20, California Code of Regulations, section 2501 et. seq.

Reporting of Complaints, Notices, and Citations

Prior to the start of construction, the project owner must send a letter to property owners living within one mile of the project notifying them of a telephone number to contact project representatives with questions, complaints or concerns. If the telephone is not staffed 24 hours per day, it shall include automatic answering, with date and time stamp recording. The telephone number shall be posted at the project site and easily visible to passersby during construction and operation.

The project owner shall report and provide copies of all complaint forms, notices of violation, notices of fines, official warnings, and citations, within 10 days of receipt, to the CPM.

FACILITY CLOSURE

At some point in the future, the project will cease operation and close down. At that time, it will be necessary to ensure that the closure occurs in such a way that public health and safety and the environment are protected from adverse impacts. Although the project setting for this project does not appear, at this time, to present any special or unusual closure problems, it is impossible to foresee what the situation will be in 30 years or less

when the project ceases operation. Therefore, provisions must be made which provide the flexibility to deal with the specific situation and project setting which that exist at the time of closure. LORS pertaining to facility closure are identified in the sections dealing with each technical area. Facility closure will be consistent with LORS in effect at the time of closure.

There are at least three circumstances in which a facility closure can take place, planned closure, unexpected temporary closure and unexpected permanent closure**.**

PLANNED CLOSURE

A planned closure occurs at the end of a project's life, when the facility is closed in an anticipated, orderly manner, at the end of its useful economic or mechanical life, or due to gradual obsolescence.

UNEXPECTED TEMPORARY CLOSURE

An unplanned unexpected temporary closure occurs when the facility is closed suddenly and/or unexpectedly, on a short-term basis, due to unforeseen circumstances such as a natural disaster, or an emergency.

UNEXPECTED PERMANENT CLOSURE

An unplanned unexpected permanent closure occurs if the project owner closes the facility suddenly and/or unexpectedly, on a permanent basis. This includes unexpected closure where the owner remains accountable for implementing the on-site contingency plan. It can also include unexpected closure where the project owner is unable to implement the contingency plan, and the project is essentially abandoned.

GENERAL CONDITIONS FOR FACILITY CLOSURE

PLANNED CLOSURE

In order to ensure that a planned facility closure does not create adverse impacts, a closure process that provides for careful consideration of available options and applicable laws, ordinances, regulations, standards, and local/regional plans in existence at the time of closure, will be undertaken. To ensure adequate review of a planned project closure, the project owner shall submit a proposed facility closure plan to the Energy Commission for review and approval at least twelve months prior to commencement of closure activities (or other period of time agreed to by the CPM). The project owner shall file 120 copies (or other number of copies agreed upon by the CPM) of a proposed facility closure plan with the Energy Commission.

The plan shall:

1. identify and discuss any impacts and mitigation to address significant adverse impacts associated with proposed closure activities and to address facilities, equipment, or other project related remnants that will remain at the site.

2. identify a schedule of activities for closure of the power plant site, transmission line corridor, and all other appurtenant facilities constructed as part of the project;

3. identify any facilities or equipment intended to remain on site after closure, the reason, and any future use; and

4. address conformance of the plan with all applicable laws, ordinances, regulations, standards, local/regional plans in existence at the time of facility closure, and applicable Conditions of Certification.

Also, in the event that there are significant issues associated with the proposed facility closure plan's approval, or the desires of local officials or interested parties are inconsistent with the plan, the CPM shall hold one or more workshops and/or the Commission may hold public hearings as part of its approval procedure.

In addition, prior to submittal of the proposed facility closure plan, a meeting shall be held between the project owner and the Commission CPM for the purpose of discussing the specific contents of the plan.

As necessary, prior to, or during the closure plan process, the project owner shall take appropriate steps to eliminate any immediate threats to public health and safety and the environment, but shall not commence any other closure activities, until Commission approval of the facility closure plan is obtained.

UNEXPECTED TEMPORARY CLOSURE

In order to ensure that public health and safety and the environment are protected in the event of an unexpected temporary facility closure, it is essential to have an on-site contingency plan in place. The on-site contingency plan will help to ensure that all necessary steps to mitigate public health and safety, and environmental impacts, are taken in a timely manner.

The project owner shall submit an on-site contingency plan for CPM review and approval. The plan shall be submitted no less that 60 days (or other time agreed to by the CPM) prior to commencement of commercial operation. The approved plan must be in place prior to commercial operation of the facility and shall be kept at the site at all times.

The project owner, in consultation with the CPM, will update the on-site contingency plan as necessary. The CPM may require revisions to the on-site contingency plan over the life of the project. In the annual compliance reports submitted to the Energy Commission, the

project owner will review the on-site contingency plan, and recommend changes to bring the plan up to date. Any changes to the plan must be approved by the CPM.

The on-site contingency plan shall provide for taking immediate steps to secure the facility from trespassing or encroachment. In addition, for closures of more than 90 days (unless other arrangements are agreed to by the CPM), the plan shall provide for removal of hazardous materials and hazardous wastes, draining of all chemicals from storage tanks and other equipment and the safe shutdown of all equipment (also see specific Conditions of Certification for the technical areas of Hazardous Materials Management and Waste Management).

In addition, consistent with requirements under unexpected permanent closure addressed below, the nature and extent of insurance coverage, and major equipment warranties must also be included in the on-site contingency plan. In addition, the status of the insurance coverage and major equipment warranties must be updated in the annual compliance reports.

In the event of an unexpected temporary closure, the project owner shall notify the CPM, as well as other responsible agencies, by telephone, fax, e-mail, etc., within 24 hours and shall take all necessary steps to implement the on-site contingency plan. The project owner shall keep the CPM informed of the circumstances and expected duration of the closure.

If the CPM determines that a temporary closure is likely to be permanent, or for a duration of more than twelve months, a closure plan consistent with that for a planned closure shall be developed and submitted to the CPM within 90 days of the CPM's determination (or other period of time agreed to by the CPM).

UNEXPECTED PERMANENT CLOSURE

The on-site contingency plan required for unexpected temporary closure shall also cover unexpected permanent facility closure. All of the requirements specified for unexpected temporary closure shall also apply to unexpected permanent closure.

In addition, the on-site contingency plan shall address how the project owner will ensure that all required closure steps will be successfully undertaken in the unlikely event of abandonment.

In the event of an unexpected permanent closure, the project owner shall notify the CPM, as well as other responsible agencies, by telephone, fax, e-mail, etc., within 24 hours and shall take all necessary steps to implement the on-site contingency plan. The project owner shall keep the CPM informed of the status of all closure activities.

A closure plan consistent with that for a planned closure shall be developed and submitted to the CPM within 90 days of the permanent closure (or other period of time agreed to by the CPM).

DELEGATE AGENCIES

To the extent permitted by law, the Energy Commission may delegate authority for compliance verification and enforcement to various state and local agencies that have expertise in subject areas where specific requirements have been established as a Condition of Certification. If a delegate agency does not participate in this program, the Energy Commission staff will establish an alternative method of verification and enforcement. Energy Commission staff reserves the right to independently verify compliance.

In performing construction and operation monitoring of the project, the Energy Commission staff acts as, and has the authority of, the Chief Building Official (CBO). The Commission staff retains this authority when delegating to a local CBO. Delegation of authority for compliance verification includes the authority for enforcing codes, the responsibility for code interpretation where required, and the authority to use discretion, as necessary, in implementing the various codes and standards.

ENFORCEMENT

The Energy Commission's legal authority to enforce the terms and conditions of its Decision is specified in Public Resources Code sections 25534 and 25900. The Energy Commission may amend or revoke the certification for any facility, and may impose a civil penalty for any significant failure to comply with the terms or conditions of the Commission Decision. The specific action and amount of any fines the Commission may impose would take into account the specific circumstances of the incident(s). This would include such factors as the previous compliance history, whether the cause of the incident involves willful disregard of LORS, inadvertence, unforeseeable events, and other factors the Commission may consider.

Moreover, to ensure compliance with the terms and Conditions of Certification and applicable laws, ordinances, regulations, and standards, delegate agencies are authorized to take any action allowed by law in accordance with their statutory authority, regulations, and administrative procedures.

NONCOMPLIANCE COMPLAINT PROCEDURES

Any person or agency may file a complaint alleging noncompliance with the Conditions of Certification. Such a complaint will be subject to review by the Energy Commission pursuant to Title 20, California Code of Regulations, section 1230 et. seq., but in many instances the noncompliance can be resolved by using the informal dispute resolution process. Both the informal and formal complaint procedures, as described in current State law and regulations, are described below. They shall be followed unless superseded by current law or regulations.

INFORMAL DISPUTE RESOLUTION PROCEDURE

The following procedure is designed to informally resolve disputes concerning interpretation of compliance with the requirements of this compliance plan. The project owner, the Energy Commission, or any other party, including members of the public, may initiate this procedure for resolving a dispute. Disputes may pertain to actions or decisions made by any party including the Energy Commission's delegate agents.

This procedure may precede the more formal complaint and investigation procedure specified in Title 20, California Code of Regulations, section 1230 et. seq., but is not intended to be a substitute for, or prerequisite to it. This informal procedure may not be used to change the terms and Conditions of Certification as approved by the Energy Commission, although the agreed upon resolution may result in a project owner proposing an amendment.

The procedure encourages all parties involved in a dispute to discuss the matter and to reach an agreement resolving the dispute. If a dispute cannot be resolved, then the matter must be referred to the full Energy Commission for consideration via the complaint and investigation process. The procedure for informal dispute resolution is as follows:

Request for Informal Investigation

Any individual, group, or agency may request the Energy Commission to conduct an informal investigation of alleged noncompliance with the Energy Commission's terms and Conditions of Certification. All requests for informal investigations shall be made to the designated CPM.

Upon receipt of a request for informal investigation, the CPM shall promptly notify the project owner of the allegation by telephone and letter. All known and relevant information of the alleged noncompliance shall be provided to the project owner and to the Energy Commission staff. The CPM will evaluate the request and the information to determine if further investigation is necessary. If the CPM finds that further investigation is necessary, the project owner will be asked to promptly investigate the matter and within seven (7) working days of the CPM's request, provide a written report of the results of the investigation, including corrective measures proposed or undertaken, to the CPM. Depending on the urgency of the noncompliance matter, the CPM may conduct a site visit and/or request the project owner to provide an initial report, within forty-eight (48) hours, followed by a written report filed within seven (7) days.

Request for Informal Meeting

In the event that either the party requesting an investigation or the Energy Commission staff is not satisfied with the project owner's report, investigation of the event, or corrective measures undertaken, either party may submit a written request to the CPM for a meeting with the project owner. Such request shall be made within fourteen (14) days of the project owner's filing of its written report. Upon receipt of such a request, the CPM shall:

1. Immediately schedule a meeting with the requesting party and the project owner, to be held at a mutually convenient time and place and secure the attendance of appropriate Energy Commission staff and staff of any other agency with expertise in the subject area of concern as necessary;

2. Conduct such meeting in an informal and objective manner; and,

3. After the conclusion of such a meeting, promptly prepare and distribute copies to all in attendance and to the project file, a summary memorandum which fairly and accurately identifies the positions of all parties and any conclusions reached.

FORMAL DISPUTE RESOLUTION PROCEDURE-COMPLAINTS AND INVESTIGATIONS

If either the project owner, Energy Commission staff, or the party requesting an investigation is not satisfied with the results of the informal dispute resolution process, such party may file a complaint or a request for an investigation with the Energy Commission's General Counsel. Disputes may pertain to actions or decisions made by any party including the Energy Commission's delegate agents. Requirements for complaint filings and a description of how complaints are processed are in Title 20, California Code of Regulations, section 1230 et. seq.

The Chairman, upon receipt of a written request stating the basis of the dispute, may grant a hearing on the matter, consistent with the requirements of noticing provisions. The Commission shall have the authority to consider all relevant facts involved and make any appropriate orders consistent with its jurisdiction (Title 20, California Code of Regulations, sections 1232 - 1236).

POST CERTIFICATION CHANGES TO THE COMMISSION DECISION: AMENDMENTS, INSIGNIFICANT PROJECT CHANGES

The project owner must petition the Energy Commission, pursuant to Title 20, California Code of Regulations, section 1769, to 1) delete or change a Condition of Certification; 2) modify the project design or operational requirements; and 3) transfer ownership or operational control of the facility.

A petition is required for **amendments** and for **insignificant project changes**. In all cases, the petition or letter requesting a change should be submitted to the Commission's Docket in accordance with Title 20, California Code of Regulations, section 1209. The criteria that determine which type of change process applies are explained below.

EXECUTIVE ORDER

Executive Order D-25-01 issued by the Governor of the State of California, which accelerates processing of certain project modifications, will be applied to all qualifying project modifications requested until December 31, 2001.

AMENDMENT

A proposed project modification will be processed as an amendment if it involves a change to a Condition of Certification, an ownership or operator change, or a potential significant environmental impact.

INSIGNIFICANT PROJECT CHANGE

The proposed modification will be processed as an insignificant project change if it does not require changing the language in a Condition of Certification, have a potential for significant environmental impact, and cause the project to violate laws, ordinances, regulations or standards.

VERIFICATION CHANGE

Changes to condition verifications require CPM approval and may require either a written or oral request by the project owner. The CPM will provide written authorization of verification changes.

TECHNICAL AREA CONDITIONS OF CERTIFICATION

AIR QUALITY

AQ-1 Prior to ground disturbance, the project owner shall prepare a Construction Fugitive Dust Mitigation Plan that will specifically identify fugitive dust mitigation measures that will be employed for the construction of the project and related facilities.

Measures that should be addressed include the following:

- the identification of the employee parking area(s) and surface of the parking area(s);
- the frequency of watering of unpaved roads and disturbed areas;
- the application of chemical dust suppressants;
- the stabilization of storage piles and disturbed areas;
- the use of gravel in high traffic areas;
- the use of paved access aprons;
- the use of posted speed limit signs;
- the use of wheel washing areas prior to large trucks leaving the project site;
- the methods that will be used to clean tracked-out mud and dirt from the project site onto public roads; and
- for any transportation of borrowed fill material, the use of covers on vehicles, wetting of the material, and insuring appropriate freeboard of material in the vehicles.

Verification: The project owner shall submit to the CPM a letter attesting to compliance with the above and shall report any violations to the CPM.

AQ-2 The project owner shall comply with the terms and conditions of the Authority to Construct and the Permit to Operate.

Verification: In the event that the air district finds the project to be out of compliance with the terms and conditions of the Authority to Construct, the project owner shall notify the CPM of the violation, and the measures taken to return to compliance, within five (5) days.

AQ-3 The project owner shall operate the project in compliance with all Best Available Control Technology (BACT) standards imposed in the Permit to Construct and Permit to Operate, except as allowed under an administrative order. Failure to meet these standards will result in a finding that the project owner is out of compliance with the certification.

BIOLOGICAL RESOURCES

BIO-1 The project permitted under this emergency process will avoid all significant non-mitigatable impacts to legally protected species and their habitat on site, adjacent to the site and along the right of way for linear facilities.

BIO-2 The project permitted under this emergency process will avoid all significant non-mitigatable impacts to designated critical habitat (wetlands, vernal pools, riparian habitat, preserves) on site or adjacent to the site.

BIO-3 The project permitted under this emergency process will avoid all significant non-mitigatable impacts to locally designated sensitive species and protected areas.

BIO-4 The project permitted under this emergency process will reduce risk of large bird electrocution by electric transmission lines and any interconnection between structures, substations and transmission lines by using construction methods identified in “Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996” (APLIC 1996).

BIO-5 The Designated Biologist, a person knowledgeable of the local/regional biological resources and the Compliance Project Manager (CPM) will have access to the site and linear rights-of-way at any time prior to and during construction and have the authority to halt construction in an area necessary to protect a sensitive biological resource at any time.

BIO-6 Upon decommissioning the site, the biological resource values will be reestablished at pre-construction levels or better.

Verification: If the Designated Biologist halts construction, the action will be reported immediately to the CPM along with the recommended implementation actions to resolve the situation. If listed species are encountered during construction additional agency consultation may be required. Throughout construction, the project owner shall report on items one through six above if identified resources are found or impacted.

BIO-7 Prior to operations start-up, a nitrogen deposition isopleth will be submitted to the USFWS. The CPM will consult with the USFWS to determine if mitigation credits will need to be purchased. If mitigation is required, the appropriate documentation of mitigation purchase will be submitted to the CPM prior to plant operation.

Verification: The applicant shall submit a duplicate report to the CPM and a USFWS contact to verify compliance. Should mitigation be required, the applicant will submit the appropriate documentation of the purchase of mitigation credits to the CPM.

BIO-8 The applicant shall completely avoid the vernal pool sensitive habitat swale/basin. Workers, vehicles and equipment shall be prohibited from the ground in the area of concern, though overhead work will be permitted.

Verification: The biologist shall notify the CPM of compliance with this condition, and of any adverse impacts to the sensitive habitat during site mobilization and/or construction phases. Creation of a buffer zone, protected by barrier fencing or other means approved by the CPM, is required to protect the areas of concern prior to the start of construction of the transmission line.

BIO-9 A qualified biologist shall survey the site and linear facilities for listed species prior to ground disturbance activities. The biologist shall continuously monitor the site and proposed linear facilities during site mobilization and all phases of construction to ensure that no special status species or their habitat is impacted. If any listed species are encountered, consultation with U.S. Fish and Wildlife Service and California Department of Fish and Game may be required by the CPM.

Verification: The biologist shall notify the CPM immediately if sensitive species are observed and provide written conformation to the CPM of survey results.

BIO-10 If fire protection zones are proposed, the applicant shall submit a fuel modification zone plan to the CPM for approval prior to the removal of any site vegetation.

Verification: The CPM shall confirm that no coastal sage scrub habitat is impacted during the construction of fuel modification zones.

CULTURAL RESOURCES

CUL-1 The project certified under this emergency process shall not cause any significant impact to cultural resources on the power plant site or linear rights of way. No significant cultural resources have been identified in the Area of Potential Effect (APE). No on-site cultural resource monitoring is required for this proposed site. In the event of an inadvertent cultural find the following conditions apply:

1. The presence of subsurface archaeological resources is always a possibility in areas where only surface inspection has taken place. In the unlikely event that sub-surface archaeological remains are discovered during ground disturbing activities (i.e., grading and/or excavation), work in the area must halt and a qualified Cultural Resource Specialist (CRS) will be contacted immediately to evaluate the significance of the find. The project manager, construction manager, and the Compliance Project Manager (CPM) will be notified if the resource is judged to be potentially significant, and the archaeologist may recommend further study.

2. In the event that suspected human remains are encountered, work must stop immediately within a radius of 100 feet (30 meters) of the discovery, and the Los Angeles County Coroner's Office will be notified within 24 hours of the find. If the skeletal remains are determined to be prehistoric, the Coroner's Office will contact the Native American Heritage Commission (NAHC) to identify the Most Likely Descendents (MLD). The MLD will be notified and will determine the most appropriate disposition of the remains and any associated artifacts.

Verification: The project owner shall notify the CPM within 24 hours in the event of an inadvertent cultural find.

CUL-2 This condition does not apply to this project.

FACILITY DESIGN

GEN-1 The project owner shall design, construct and inspect the project in accordance with the 1998 California Building Code (CBC) and all other applicable LORS in effect at the time initial design plans are submitted to the CBO for review and approval.

Verification: Within 30 days (or a lesser number of days mutually agreed to by the project owner and the CBO) after receipt of the Certificate of Occupancy, the project owner shall submit to the CPM a statement of verification, signed by the responsible design engineer, attesting that all designs, construction, installation and inspection

requirements of the applicable LORS and the Energy Commission's Decision have been met. The project owner shall provide the CPM a copy of the Certificate of Occupancy within 30 days of receipt from the CBO [1998 CBC, Section 109 – Certificate of Occupancy.] The project owner shall keep copies of plan checks and CBO inspection approvals at the project site.

GEN-2 Prior to submittal of the initial engineering designs for CBO review, the project owner shall furnish to the CPM and to the CBO a schedule of facility design submittals, a Master Drawing List, and a Master Specifications List. The schedule shall contain a list of proposed submittal packages of designs, calculations, and specifications for major structures and equipment.

Verification: At least 15 days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of rough grading, the project owner shall submit to the CBO and to the CPM the schedule, the Master Drawing List, and the Master Specifications List of documents to be submitted to the CBO for review and approval. These documents shall be the pertinent design documents for the major structures and equipment listed in Table 1 below. Major structures and equipment shall be added to or deleted from the Table only with CPM approval.

Table 1: Major Structures and Equipment List

Equipment/System	Quantity (Plant)
Combustion Turbine Generator Foundation and Connections	2
SCR Unit Structure, Foundation and Connections	1
Auxiliary Transformer Foundation and Connections	1
CT Inlet Air Plenum Structure, Foundation and Connections	1
SCR Unit Exhaust Stack, Foundation and Connections	1
SCR Unit Transition Duct from CTG — Structure	1
Electrical/Control Center Structure, Foundation and Connections	1
CT Mechanical Accessory Compartment Foundation and Connections	1
Switchgear Equipment Building Structure, Foundation and Connections	1
Main Transformer Foundation and Connections	1
Potable Water Systems	1

GEOLOGICAL RESOURCES

GEOL-1 The site is likely to experience strong seismic shaking in the event of an earthquake. To assure that the design allows for safe shutdown in the event of a strong earthquake, the project owner shall have the design reviewed by a competent third-party engineering team. The review team shall include a foundations engineer and a structural engineer, certified as Professional Engineers in California and familiar with the methods of seismic engineering.

Verification: The project owner shall submit the final design, and the review report, to the CEC for approval, at least two weeks prior to the start of construction activities. The review must include a statement about the adequacy of the design given expected seismic shaking conditions.

GEOL-2 The site has the potential for experiencing ridge-top spreading. The project owner shall conduct a site-specific geotechnical investigation (which can be an additional task added to the standard foundations investigation) to assess the likelihood of such an event, and to identify suitable mitigation measures. Concerns related to ground spreading such as integrity of foundations and points of connection of gas pipelines and power lines shall be addressed as appropriate by the structural engineer and incorporated into the design.

Verification: The project owner shall submit the geotechnical report to the CEC for approval, at least two weeks prior to the start of construction activities. The report must have a separate chapter addressing ridge-top spreading. This is an area of geotechnical engineering where there is no standard of practice, but some guidance can be obtained from the measures to mitigate liquefaction-related spreading, as described by CDMG (1997) and SCEC (1999).

GEOL-3 The site has the potential for experiencing liquefaction. The project owner shall conduct a site-specific geotechnical investigation (which can be an additional task added to the standard foundations investigation) to assess the likelihood of such an event, and to identify suitable mitigation measures. The investigation must include a determination of the depth to the water table, and standard penetration testing at 5 foot intervals down to a depth of 50 feet in at least three boreholes. Guidance can be obtained from CDMG (1997) and SCEC (1999).

Verification: The project owner shall submit the geotechnical report to the CPM for approval, at least two weeks prior to the start of construction activities. The report must have a separate chapter addressing liquefaction susceptibility.

HAZARDOUS MATERIALS MANAGEMENT

HAZ-1 The project owner shall not use any hazardous material in reportable quantities except those identified by type and quantity in the Application for Certification unless approved by the CPM.

Verification: The project owner shall provide in the Annual Compliance Report a list of hazardous materials used at the facility in reportable quantities.

HAZ-2 The project owner shall submit both the Business Plan and Risk Management Plan to the CPM for review and comment, and shall also submit these plans and/or procedures to the County Fire Department for approval.

Verification: 30 days (or a CPM-approved alternative timeframe) prior to the initial delivery of any hazardous materials in reportable quantities to the facility, the project owner shall submit the Business and Risk Management Plan to the CPM for review and comment. At the same time, the project owner shall submit these plans to the County Fire Department for approval. The project owner shall also submit evidence to the CPM that the County Fire Department approved of these plans, when available.

HAZ-3 The ammonia storage tank shall be designed to either the American Society of Mechanical Engineers (ASME) Pressure Vessel Code and American National Standards Institute (ANSI) K61.6 Code or to the American Petroleum Institute (API) Code 620. The tank shall be protected by a secondary containment system that can hold 110 percent of the capacity of the storage tank plus freeboard precipitation from a 24-hour, 25-year storm event. The containment system shall be designed and engineered such that the ammonia concentration does not exceed 75-parts per million (PPM) at the property fence line in the event of a release.

Verification: At least thirty (30) days prior to startup, the project owner shall submit final design drawings and specifications for both the ammonia storage tank and containment systems. The containment designs should demonstrate compliance with the criterion of 75-ppm at the fence line.

HAZ-4 The unloading of the ammonia during a delivery shall occur in an area that shall have containment capacity to hold the entire truck delivery plus a 10% safety margin and precipitation from a 24-hour, 25-year storm event. The system further shall be designed and engineered to demonstrate that the ammonia concentration will not exceed 75-ppm at the fence line.

Verification: At least thirty (30) days prior to startup, the project owner shall submit final design drawings and specifications for both the ammonia storage tank and containment systems. The containment designs should demonstrate compliance with the criterion of 75-ppm at the fence line.

LAND USE

LAND–1 The project permitted under this emergency process will conform to all applicable local, state and federal land use requirements, including general plan policies, zoning regulations, local development standards, easement requirements, encroachment permits, truck and vehicle circulation plan requirements, Federal Aviation Administration approval, and the Federal Emergency Management Agency National Flood Insurance Program.

Verification: Prior to ground disturbance, the project owner will submit to the CPM documentation verifying compliance with the above referenced land use requirements.

LAND-2 Prior to ground disturbance, the project owner shall submit to the CPM evidence of site control in the form of a signed lease or other appropriate documentation.

Verification: At least 15 days prior to the start of any ground disturbance related to construction, the project owner shall submit the lease and the letter to the CPM.

LAND–3 Certification is for three years with an option to apply to the Energy Commission for recertification unless the project owner has a valid power purchase agreement with the California Department of Water Resources in place by the start of operation. With such an agreement in place, the certification shall be for the term of the agreement, with the possibility of extension. If an extension is granted, the project shall close within 30 years of the start of operation, upon cessation of oilfield operations, or upon acquisition of the property by the Baldwin Hills Conservancy, whichever is soonest.

To qualify for the extension, the project owner must verify at the end of the term of agreement that the project meets the following continuation criteria:

- the project is permanent, rather than temporary or mobile in nature;
- the project owner demonstrates site control;
- the project owner has secured permanent emission reduction credits (ERCs) to fully offset project emissions for its projected run hours prior to expiration of any temporary ERCs;
- the project is in current compliance with all Energy Commission permit conditions specified in the final decision;
- the project is in current compliance with all conditions contained in the Permit to Construct and Permit to Operate for the project; and

- the project continues to meet BACT requirements.

The project shall expire if these continuation criteria are not met. At least six months prior to the expiration of the power purchase agreement with the Department of Water Resources (DWR) the project owner shall provide verification that these conditions have been meet.

Verification: The CPM shall monitor the oilfield operations for production activity. If the oilfield operations cease, the applicant shall demonstrate to the satisfaction of the CPM whether the cessation is for maintenance or is permanent. If the cessation is for maintenance purposes, the applicant shall provide the CPM with a maintenance schedule (including a re-open date). If the cessation of activities is permanent, the applicant shall immediately cease the generation of electricity and follow the procedures outlined above for planned closure, if a closure plan has already been approved, or for unexpected permanent closure.

NOISE

NOISE-1 The project permitted under this emergency process shall be required to comply with applicable community noise standards and with USFWS recommended limits of 60 dBA at the coastal sage scrub habitat.

Verification: Within 30 days of the project first achieving a sustained output of 80 percent or greater of rated capacity, the project owner shall conduct a 25-hour community noise survey, utilizing the same monitoring sites employed in the pre-project ambient noise survey as a minimum. In addition, the survey shall monitor noise levels at the nearby coastal sage scrub habitat. No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints. Steam relief valves shall be adequately muffled to preclude noise that draws legitimate complaints. If the results from the survey indicate that the project noise levels at the closest sensitive receptor are in excess of 50 dBA between the hours of 10 PM and 7 AM, additional mitigation measures shall be implemented to reduce noise to a level of compliance with this limit. In addition, additional mitigation measures shall be implemented to reduce noise to no more than 60 dBA at the nearby coastal sage scrub habitat.

NOISE-2 Prior to the start of rough grading, the project owner shall notify all residents within one mile of the site of the start of construction and will provide a complaint resolution process.

Verification: The project owner shall provide the CPM with a statement, attesting that the above notification has been performed.

NOISE-3 Throughout the construction and operation of the project, the project owner shall document, investigate, evaluate, and attempt to resolve all project related noise complaints.

Verification: Within 30 days of receiving a noise complaint, the project owner shall file a copy of the Noise Complaint Resolution Form, or similar instrument approved by the CPM, with the County Environmental Health Department, and with the CPM, documenting the resolution of the complaint. If mitigation is required to resolve a complaint, and the complaint is not resolved within a 30-day period, the project owner shall submit an updated Noise Complaint Resolution Form when the mitigation is finally implemented.

NOISE-4 Night construction activities may be authorized by the CPM if they are consistent with local noise ordinances. Night construction, or specific night construction activities may be disallowed by the CPM if it results in significant impact to the surrounding community.

Verification: Noise monitoring and surveys may be conducted if complaints are reported by residence in the surrounding area of the project site.

PALEONTOLOGICAL RESOURCES

PALEO-1 This condition does not apply to this project

PALEO-2 The project has been determined to have the potential to adversely affect significant paleontological resources and the project owner shall ensure the completion of the following actions/activities:

1. Provide a paleontological specialist who will have access to the site and linear rights-of-way at any time prior to and during ground disturbance.

2. The paleontological specialist will provide training to appropriate construction personnel at the site, will install avoidance measures (as necessary), and will be present during appropriate ground disturbing activities. The cultural specialist has the authority to halt construction at a location if a significant paleontological resource is found. If resources are discovered and the specialist is not present, the project owner will halt construction at that location and will contact the specialist immediately. The specialist will consult with the CPM and a decision will be made by the CPM within 24-hours as to how to proceed.

3. The project owner shall allow time for the paleontological specialist to protect significant resource finds, and pay all fees necessary to protect any significant resources.

Verification: Throughout construction, the project owner shall inform the CPM concerning any substantive activity related to items 1 through 4 above.

SOIL & WATER RESOURCES

SOIL & WATER 1: An NPDES permit for construction activities will not be required if there is a construction impact of less than 5 acres. Otherwise, prior to site ground disturbance the project owner shall obtain CPM approval of a Storm Water Pollution Prevention Plan (SWPPP) as required under the General Storm Water Construction Activity Permit for the project.

Verification: Prior to ground disturbance, the project owner will submit a copy of the Storm Water Pollution Prevention Plan for the project to the CPM.

SOIL & WATER 2: Prior to ground disturbance, the project owner shall obtain CPM approval of an Erosion Prevention and Sediment Control Plan.

Verification: The Erosion Control and Sediment Control Plan for the project shall be submitted to the CPM prior to ground disturbance.

SOIL & WATER 3: Prior to site mobilization, the project owner shall submit to the CPM, a copy of a valid water service agreement for water supplies for the project from an authorized water purveyor, or a copy of a valid well permit for the project from the appropriate licensing agency.

Verification: A copy of the water service agreement or well permit shall be submitted to the CPM prior to site mobilization.

SOIL & WATER 4: Prior to ground disturbance, the project owner shall submit to the CPM a copy of a valid permit or agreement from the appropriate approving agency for wastewater discharge.

Verification: The permit or agreement for wastewater discharge shall be submitted to the CPM prior to ground disturbance.

TRAFFIC AND TRANSPORTATION

TRANS-1 The project permitted under this emergency process shall comply with Caltrans and City/County limitations on vehicle sizes and weights. In addition, the project owner or its contractor shall obtain necessary transportation permits from Caltrans and all relevant jurisdictions for roadway use.

Verification: The project owner shall keep copies of any oversize and overweight transportation permits received at the project site.

TRANS-2 The project permitted under this emergency process shall comply with Caltrans and City/County limitations for encroachment into public rights-of-way and shall obtain necessary encroachment permits from Caltrans and all relevant jurisdictions.

Verification: The project owner shall keep copies of any encroachment permits received at the project site.

TRANS-3 The project permitted under this emergency process shall ensure that permits and/or licenses are secured from the California Highway Patrol and Caltrans for the transport of hazardous materials.

Verification: The project owner shall keep copies of all permits/licenses acquired by the project owner and/or subcontractors concerning the transport of hazardous substances at the project site.

TRANS-4 Following completion of construction of the power plant and all related facilities, the project owner shall return all roadways to original or as near original condition as possible.

Verification: Prior to ground disturbance, the project owner shall photograph, videotape, or digitally record images of the access roads to be used during the construction process, as directed by the CPM. Within 30 days after completion of project construction, the project owner shall meet with the CPM to determine the actions needed to return all roadways to original or as near original condition as possible.

TRANS-5 A Traffic Control Plan (TCP) must be submitted for CPM approval prior to the start of construction. The TCP shall include appropriate measures to minimize impacts on traffic flow such as the establishment of construction work hours, delivery of heavy equipment and building materials outside of the peak traffic periods, limiting vehicular traffic to approved access roads, construction yards, and construction sites, and the scheduling of traffic lane or road closures during off-peak hours whenever possible.

Verification: The TCP shall be submitted to the CPM for approval.

TRANS-6 No project construction and operational deliveries shall occur during peak travel periods (7am through 9am and 3pm through 6pm).

Verification: The project owner shall keep copies of all material deliveries to the project site in a logbook subject to review by the CPM. Field visits shall be conducted by the CPM to verify compliance.

TRANSMISSION SYSTEM ENGINEERING, SAFETY AND RELIABILITY

TSE-1 The project owner shall ensure that the design, construction and operation of the proposed transmission facilities will conform to requirements listed below:

The power plant switchyard, outlet line and termination shall meet or exceed the electrical, mechanical, civil and structural requirements of CPUC General Order 95, CPUC Rule 21, Title 8, California Code of Regulations, Articles 35, 36 and 37 of the, "High Voltage Electric Safety Orders", Title 8 CCR, Sections 2700-2974, CPUC Decision 93-11-013, Federal Communications Commission Part 15, Public Resources Code 4292-4296, and National Electric Code (NEC).

Verification: Within 15 days after cessation of construction the project owner shall provide a statement to the CPM from the registered engineer in responsible charge (signed and sealed) that the switchyard and transmission facilities conform to the above listed requirements.

TSE-2 The Applicant shall provide the following Notice to the California Independent System Operator (Cal-ISO) prior to synchronizing the facility with the California Transmission System:

1. At least one (1) week prior to first synchronizing the facility with the grid (or as otherwise advised by the Cal-ISO) for testing, provide the Cal-ISO a letter stating the proposed date of synchronization. This letter should also affirm that all the electrical facilities necessary to connect the new facility to the grid have been installed and successfully tested; and

2. At least one (1) business day prior to synchronization of the facility with the grid for testing, or as otherwise advised by the Cal-ISO, provide telephone notification to the ISO Outage Coordination Department, Monday through Friday, between the hours of 0700-1530 at (916) 351-2300.

Verification: The applicant shall provide an electronic copy of the Cal-ISO letter to the CPM when it is sent to the Cal-ISO. The letter should be received by the Cal-ISO at least one (1) week prior to initial synchronization with the grid. A report of conversation with the Cal-ISO shall be provided electronically to the CPM one (1) day before synchronizing the facility with the California transmission system for the first time.

VISUAL

VIS-1 Project structures treated during manufacture and all structures treated in the field, that are visible to the public, shall be painted in a neutral color consistent with the surrounding environment.

Verification: Prior to painting exposed services, the project owner shall identify the selected color for CPM approval.

VIS-2 The project owner shall design and install all lighting such that light bulbs and reflectors are not visible from public viewing areas and illumination of the vicinity and the nighttime sky is minimized. Lighting must also be installed consistent with any local requirements.

Verification: The project owner shall inform the CPM of any complaints concerning lighting and when measures have been taken to correct the problem.

VIS-3 The project owner shall prepare and submit to the California Department of Parks and Recreation and the Baldwin Hills Conservancy for review and comment, and to the CPM for review and approval a landscaping plan which provides for any or all of the following, as appropriate, to screen the project from the Kenneth Hahn State Recreation Area and surrounding residential communities: berms, vegetation and trees, and fencing. The landscaping plan shall be consistent with the planned landscaping of the Baldwin Hills Park.

Verification: Within 30 days of certification, the project owner shall submit the landscaping plan to the California Department of Parks and Recreation and the Baldwin Hills Conservancy and the CPM.

WASTE

WASTE-1 The project owner shall obtain a hazardous waste generator identification number from the Department of Toxic Substances Control prior to producing any hazardous waste.

Verification: The project owner shall keep its copy of the identification number on file at the project site.

WASTE-2 The project owner shall have an environmental professional available for consultation during soil excavation and grading activities. The environmental professional shall be given full authority to oversee any earth moving activities that have the potential to disturb contaminated soil. The environmental professional shall meet the qualifications of such as defined

by the American Society for Testing and Materials designation E 1527-97 Standard Practice for Phase I Environmental Site Assessments.

Verification: If potentially contaminated soil is unearthed during excavation at either the proposed site or linear facilities, the environmental professional shall inspect the site, determine the need for sampling to confirm the nature and extent of contamination, and make a recommended course of action. The environmental professional shall have the authority to suspend construction activity at that location. If, in the opinion of the environmental professional, remediation is to be required, the project owner shall consult with the CPM and a decision will be made by the CPM within 24 hours as to how to proceed.

WORKER AND FIRE SAFETY

WORKER SAFETY-1 The project owner must comply with all requirements of the California Occupational Safety and Health Act of 1973 (Cal/OSHA) as codified in Title 8 of the California Code of Regulations, beginning with Part 450 (8 CCR Part 450 et seq).

Verification: The project owner shall submit to the CPM a letter attesting to compliance with the above and shall report any violations to the CPM.

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BALDWIN ENERGY FACILITY NO. 1
EMERGENCY PERMIT EVALUATION
PREPARATION TEAM
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RESPONSE TO COMMENTS RECEIVED FROM THE INFORMATIONAL MEETING HELD IN CULVER CITY ON MAY 31, 2001.

Staff has received public comments from letters, email, and the informational hearing held in Culver City on May 31, 2001. Staff has summarized and responded to these comments below. A few of the questions are answered directly below but most are addressed in the applicable technical section/chapter cross-referenced below.

SENATOR KEVIN MURRAY stated that the large turnout demonstrated the importance of the Baldwin Hills Conservancy and Kenneth Hahn State Park to the community. Sen. Murray noted that Los Angeles is "park poor" and has less than ten percent of the park facilities of other urban areas, and the immediate area of the park has less than that. His most important legislative effort has been to expand the Kenneth Hahn State Park, and $41 million dollars have been expended to purchase the adjacent Vista Pacifica property for the project. Sen. Murray opined that Stocker Resources has not been a bad neighbor, and has participated in the planning efforts for the Baldwin Hills Conservancy.

Sen. Murray noted that while all communities have to make sacrifices related to the current energy crisis, placing a power plant next to a state park has not been proposed in any other area. The proposed plant will be placed in a canyon, with the result that emissions from the stacks will be at the level of residents' backyards and the playground of Windsor Hills Elementary School. In addition to air quality issues, the transportation of ammonia through residential neighborhoods and its use and disposal present environmental concerns.

Senator Murray further commented that he and Assemblyman Wesson believe that the process provided insufficient notice of the proposed project particularly in light of the holiday weekend before the subject hearing.

Sen. Murray further observed that most of the hearing participants obtain electricity from Edison, and do not have the rate and blackout protections available to customers of the Los Angeles Department of Water and Power. Therefore residents will not receive any direct benefit from the local generation of power, despite enduring the negative effects of a power plant in their backyard. Rather, the power will be sold to the grid by applicant. Finally, there is guarantee that jobs associated with the project will be local hires.

CONCERNS: Project placement, Emissions/Air quality, Transportation/Environmental concerns and Emergency process.

RESPONSE: See LAND USE, AIR QUALITY, TRAFFIC AND TRANSPORTATION and EMERGENCY PERMITTING AUTHORITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

RICHARD RIOS, representing Assemblyman Herb Wesson, commented that while the state needs to generate more energy he questions the proposed location of the plant adjacent to the Kenneth Hahn State Park and the proposed Conservancy. He noted that the proximity of the proposed plant to the park was not identified in the application, and should be considered in the siting process.

CONCERNS: Project placement and Emergency process.

RESPONSE: See LAND USE and EMERGENCY PERMITTING AUTHORITY.

DANIEL HINERFELD, representing City Councilman Mike Feuer, urged the Commission to re-site the proposed plant to an area which would not have an effect on the Kenneth Hahn State Park and proposed 1200-acre Baldwin Hills Conservancy park area. He stated that the social, environmental, and economic issues involved should be given a full open public process. Councilman Feuer will introduce a resolution opposing the proposed site, and calling on the City to work with the applicant and other agencies to find a more appropriate location.

CONCERNS: Land Use, Emergency process, and Social, Environmental and Economic issues.

RESPONSE: See LAND USE, VISUAL RESOURCES and ENVIRONMENTAL JUSTICE.

ESTHER FELDMAN, President of Community Conservancy International, and David McNeill, Public Affairs Director of Community Conservancy International and Executive Director of the Baldwin Hills Conservancy, commented about the Baldwin Hills Park Project. The project has been funded by a combination of private and public funds, including funds from the California Department of Parks and Recreation and the California State Coastal Conservancy. The Baldwin Hills Park Advisory Committee includes representatives of 15 homeowner associations, 12 public agencies, applicant, elected officials, and other organizations and landowners. The creation of Baldwin Hills Park, the largest urban park project in this county, is expected to take thirty years.

Ms. Feldman stated that construction of the proposed power plant would make it impossible to realize the planned “one big park” concept of the Draft Baldwin Hills Park Master Plan. The proposed land bridge over La Cienega Boulevard as well as a number of high volume recreation facilities, like baseball fields, would be immediately adjacent to the power plant. Ms. Feldman also noted that placement of a power plant in

the middle of the planned park would foreclose the conservancy's efforts to raise public or private funds.

Ms. Feldman distinguished applicant's facilities at the oil field, which is a finite resource expected to be limited to only a further 25 years, from the unlimited consequences of siting a power plant. She noted that once a power plant is built it does not go away, and this state has no history of removing power plants once built.

The Baldwin Hills Park area is the last large area of undeveloped open space in Los Angeles County, and provides natural habitat for various native species including 72 plants, hundreds of insects, 21 mammals, and 164 birds. In response to Commissioner Pernell's question, Ms. Feldman acknowledged that none are on lists of endangered species.

CONCERNS: Land Use, Term of facility life and Biological Resources.

RESPONSE: See LAND USE, VISUAL RESOURCES, and BIOLOGICAL RESOURCES.

MR. MCNEILL described that Baldwin Hills is part of the 127 square mile Ballona Creek Watershed which drains through Ballona Creek, the second most polluted creek in the county, and into Santa Monica Bay. Mr. McNeill commented that it is important to keep the Baldwin Hills in a natural state to avoid further degradation of the watershed. He also expressed concern for the effect of the proposed power plant on views from the Baldwin Hills.

Mr. McNeill noted that there are only 832 acres of parkland in the area, of which approximately 500 acres is the Kenneth Hahn State Park. That adds up to only one acre of open space per 1,000 people, in contrast to recommended standards of six to ten acres per 1,000 people. Mr. McNeill commented that the deficit of parks in the area is reflected in the statistics of only one picnic area per 10,000 people, one playground per 23,000 children, one soccer field per 34,000 people, one gym per 100,000 people, etc.

CONCERNS: Water/Waste Water, Impacts to Ballona Creek Watershed, Visual impacts, and Park resources.

RESPONSE: See SOILS and WATER, WASTEWATER, VISUAL RESOURCES, LAND USE, and ENVIRONMENTAL JUSTICE.

Ambassador Diane Watson, a resident of the Baldwin Hills area since 1970, submitted a position statement in opposition to the project. In addition, she commented that she carried legislation in 1979 to acquire parkland for area residents and later legislation to name the park after Kenneth Hahn. She expressed concern regarding geological instability in the oilfields, and that the project will spew toxic fumes out of 70-foot stacks. She concluded that parks are for people, not for power plants.

CONCERNS: Parkland, Geologic Instability, and Emissions.

RESPONSE: See LAND USE, GEOLOGICAL RESOURCES, and AIR QUALITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

TONY NICHOLAS is the President of the United Homeowners Association, a coalition of homeowner groups totaling over 12,000 in the area. Mr. Nicholas expressed the Association's concern with placement of the project immediately adjacent to Kenneth Hahn State Park, and the lack of environmental study in the fast track process. He expressed concern that applicant did not advise either the local community or its legislative representatives of its proposal, and the first indication of the project was a small notice in the Los Angeles Times the Friday before Memorial Day weekend. Mr. Anthony noted that no one would propose a power plant for the middle of Golden Gate Park, or Central Park, and the project should be rejected. Mr. Anthony also presented a written statement on behalf of his Association's homeowner groups.

CONCERNS: Park placement and Emergency process.

RESPONSE: See LAND USE and EMERGENCY PERMITTING AUTHORITY.

STEVE LEON, Secretary of the Ladera Heights Civic Association which represents 4,000 homes to the immediate south of the project site, stated that he can view the site from his back windows. Mr. Leon commented that the applicant should withdraw its application, and work with community groups to turn the area into the planned park. He further stated that the fast-track process does not annul the Commission's legal and moral responsibilities to the public who appeared at the informational hearing, and recommended that the Commission deny the application.

CONCERNS: Visual Impacts and Emergency process.

RESPONSE: See VISUAL RESOURCES and EMERGENCY PERMITTING AUTHORITY.

LISA BAKER posed questions to the applicant regarding why the site was chosen, and consideration of the hundreds of thousands who travel through the area every day. Applicant responded that the concerns were being addressed in the environmental review and public comment process. Mr. Wilburn stated that he selected the site from a list of prescreened locations identified by the Energy Commission staff, and he considered that the oil fields would be in operation for at least 25 years and the project would be consistent with that use and time period. Mr. Wilburn noted that the project would not be inconsistent with the long-range goals of the park projects. He further noted that applicant responded to the Governor's solicitation of companies for plants which could be on line by September 30, 2001. Ms. Baker stated that she does not

believe the plant is an appropriate use of the site. Commission staff described its process of identifying sites for emergency projects, and the information available on the website regarding the criteria for and list of the sites.

CONCERNS: Land Use.

RESPONSE: See LAND USE and CEC website.

BEVERLY KENDRICK asked about the environmental impact report and the timing of the 21-day process. Commission staff noted for the 21-day process no environmental impact report is required but its Staff Assessment will include detailed examination of environmental issues including traffic, biology, cultural resources, visual impact, noise, etc. Staff also noted that the Staff Assessment would be available on the website. Staff stated that application was deemed complete on May 24, and that started the 21-day process.

CONCERNS: Emergency process.

RESPONSE: See EMERGENCY PERMITTING AUTHORITY and CEC website.

YUSUF HASSAN, a freelance reporter for NPR, questioned whether any wind testing had been performed to identify where the exhaust would precisely blow. Ms. Mueller, of the South Coast Air Quality Management District, described that the model submitted to her agency by the applicant was found to be inadequate. The Air District had asked the applicant to reanalyze those data using an approved model.

CONCERNS: Emissions.

RESPONSE: See AIR QUALITY.

***** The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

A question was posed concerning the respiratory problems suffered by many minority children. Applicant was asked if it could assure that the proposed plant would not exacerbate those problems, especially in light of the elementary school located less than a mile from the proposed plant. Applicant noted Stocker Resources' progress in reducing emissions from its current operations, and that NOX emissions have been reduced from over 370 tons to less than 20 tons including the proposed project. Applicant intends to fully comply with the requirements imposed by the Air District and fully offset any emissions.

CONCERNS: Emissions.

RESPONSE: See AIR QUALITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

MARYANN WEBSTER, of the Sierra Club Angeles Chapter, stated her organization's opposition and view that the project should be moved to another location. She acknowledged the state's power needs, but observed that a plant should not be sited immediately next to the Kenneth Hahn State Park and in the middle of a planned park project.

CONCERNS: Project placement.

RESPONSE: See LAND USE.

JAMES ALAMILLO represented Save the Bay, and commented that although the plant footprint will be only two acres the actual amount of paved service roads, construction, etc., will create a greater impact and water quality impairment. With regard to water quality Mr. Alamillo asked how the project will deal with cooling water discharges, and how the project will deal with contaminated sediments and runoff from its site which will flow into Ballona Creek, a water body already polluted with heavy metals and toxins. He commented that the proposed use of 340 gallons per minute would result in a significant discharge rate. Mr. Alamillo also stated that the environmental review of the 21-day process is insufficient, and that Stocker Resources has not complied with current environmental requirements in its current operations. Finally, Mr. Alamillo noted that Stocker Resources' failure to maintain its property has resulted in the invasion of non-native species including ice plant and pampas grass.

CONCERNS: Water Quality and Biological Impacts.

RESPONSE: See SOILS AND WATER, WASTEWATER, and BIOLOGICAL RESOURCES.

LEVON NEWMAN, United Homeowners Association, acknowledged the need for electricity production. He noted that the area has some of the cleanest air in the County, and that and the health of the community's residents is more valuable than one power plant. Mr. Newman urged consideration of other sources of power.

CONCERNS: Emissions.

RESPONSE: See AIR QUALITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

TAMARA HODGSON asked why a plant was being built next to a park when there has been no serious effort to promote conservation. Commissioner Pernell described the Commission's conservation efforts including grants totaling $109 million to community groups and organizations, and the Commission's recognition that both generation and conservation are necessary.

CONCERNS: Project placement and Conservation.

RESPONSE: See LAND USE. Conservation measures are an important ingredient in the energy mix in California. The Energy Commission and the California Public Utilities Commission have many programs that encourage and assist in the funding of conservation measures. For more information on these conservation efforts see the Energy Commission web site www.energy.ca.gov and click on programs.

ROBERT GARCIA, Director of "The City Project" of the Center for Law in the Public Interest, presented a written statement. He also commented that his agency represents an extraordinary coalition committed to the goal of halting the proposed project and saving the State Park in Baldwin Hills. Mr. Garcia stated that the project does not qualify for the 21-day process because it will operate 8,000 hours per year, and is not a peaker plant. He further opined that the Energy Commission would not later pull the plug on a power plant. No other power plant is proposed for a state park, which he considers an environmental justice issue. Mr. Garcia noted that communities of color suffer disproportionately from environmental degradation, and are systematically excluded from the decision-making process.

CONCERNS: Emergency process, Term of facility life, Project placement, and Environmental degradation.

RESPONSE: See EMERGENCY PERMITTING AUTHORITY, CONDITIONS OF CERTIFICATION, LAND USE, AND ENVIRONMENTAL JUSTICE.

MIM SHAPIRO of the Ballona Creek Project commented that if the project is approved Stocker Resources should be required to donate land in mitigation of the impact on the community. She opined that the construction should be landscaped to aesthetically camouflage the intrusion on the natural environment.

CONCERNS: Land mitigation, Visual Impacts

RESPONSE: See LAND USE, VISUAL RESOURCES.

MARY MARTIN asked why the area residents were not notified of the proposed project six months ago. Commission staff responded that the Governor's emergency declaration did not occur until January 2001, and his Executive Orders establishing the 21-day process were published in February and March 2001.

CONCERNS: Emergency process.

RESPONSE: See EMERGENCY PERMITTING AUTHORITY.

JARED BLAKELY asked why the project was not publicly announced. Staff described the public notice provisions of the emergency project process. Staff noted that for the subject project the required notice was provided to local residents, libraries, newspapers, etc., regarding the project and the informational hearing.

CONCERNS: Emergency process.

RESPONSE: See EMERGENCY PERMITTING AUTHORITY.

THEODORE IRVING asked why landfill sites were not considered for peaker plants. Commission staff stated that landfills might be on the site list.

CONCERNS: General comments in opposition to the project.

REPSONSE: Comments Noted.

VICTOR BULLOCK'S first question dealt with consideration of population density with regard to the list of selected sites. Staff noted that population density was not one of the criteria. Mr. Bullock's additional questions concerned water usage at the project, whether water discharge will be contaminated, and any related remediation procedures. Applicant advised that there will be no off-site discharges of wastewater. Applicant will demineralize drinking water for the turbines. The solids from that water will be added into the produced water stream, which comes up with the oil, and reinjected into the ground. At that point the water is cleaner than that which comes out of the ground, so there is no waste stream.

Applicant was asked what will occur when it ceases operation of the project. Applicant responded that the lease for the plant runs out at the same time as the lease for the oil, and when the oil company is gone the plant will be removed.

CONCERNS: Water quality and Term of facility life.

RESPONSE: See WATER AND SOILS, WASTEWATER, and LAND USE.

ROBERT COLE asked how much money applicant anticipates earning from the project over the 30-year period. Stocker Resources noted that when faced with 83% increases in electric costs it has teamed up with La Jolla Energy which has the equipment to produce its own power. Applicant stated it anticipates earnings sufficient to pay back its $53 million dollar capital investment, and that it is under confidentiality agreements with the Department of Water Resources.

CONCERNS: General comments in opposition to the project.

RESPONSE: Comments noted.

JULIE MASTERS, staff attorney of the Natural Resources Defense Council, urged that the project not be approved. She stated that the project does not qualify as a peaker plant, and therefore should be in the four-month process with full CEQA review. Ms. Masters noted that the Baldwin Hills area, which has little per capita parkland, is the wrong place to site a power plant. Ms. Masters opined that the proposed power plant, which is estimated to annually emit 17 tons of particulate matter and NOX, would be a health threat to users of the Kenneth Hahn State Park, particularly children, and the primarily minority local residents.

CONCERNS: Emergency process, Project placement, and Emissions.

RESPONSE: See EMERGENCY PERMITTING AUTHORITY, LAND USE, and AIR QUALITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

DERRICK DAVIS noted that area residents are also subject to the particulate matter emissions and other pollution from nearby Los Angeles International Airport. He urged that the cumulative environmental impact be considered, and that approval of the power plant could result in even more such projects. He also questioned the assurances that the proposed plant would be removed once the oil is depleted.

CONCERNS: Emissions and Term of facility life.

RESPONSE: See AIR QUALITY and LAND USE.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

MARTA ZARGOZA commented that the area is the lifeline of the African-American community in Los Angeles, and the plant would be a blight on the area. It would adversely impact older people and children. She questioned whether applicant's higher-paying jobs would go to residents of the community.

CONCERNS: Overall impacts.

RESPONSE: See ENVIRONMENTAL JUSTICE.

JEFFREY MINTZ, with the Mayor's Community Advisory Council, grew up in the Baldwin Hills area. He stated his concern regarding pollution of water and air, and destruction to the habitat of area animal species. Mr. Mintz also noted that the congestion to area streets would be worsened during construction. He expressed concern regarding siting a plant in the area of the park, and damage to the environment.

CONCERNS: Air and Water pollution, Destruction of habitat, Traffic increase, and Project placement.

RESPONSE: See AIR QUALITY, SOILS AND WATER, BIOLOGICAL RESOURCES, TRAFFIC AND TRANSPORTATION, and LAND USE.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

THOMAS BROWN, Village Green Homeowners Association, stated that his neighborhood is located one-half mile from the project and enjoys the wildlife, views and other aspects of the park. He opined that twenty to thirty years down the road applicant may leave the site in a contaminated state, and could not be forced to clean it up.

CONCERNS: Project placement, Term of facility life, Wildlife and views in the vicinity, and contamination.

RESPONSE: See BIOLOGICAL RESOURCES, VISUAL RESOURCES, LAND USE, WATER and SOILS, and CONDITIONS OF CERTIFICATION.

SCHUYLER JACKSON, a resident of the View Park area, stated that applicant was motivated by strictly profit. He questioned applicant's statement that the plant would stop when the oil stops. Even when the oil is almost depleted continuation of the power plant would be allowed by eking out the remaining oil by operating one rig at low productivity. Mr. Jackson noted that in three or five years the electrical crisis will be over, but prices will not go down. He questioned approving the project as a short-term fix which will result in long-term liabilities. Mr. Jackson commented about the state subsidies of applicant, and the cost savings it will realize from avoiding the usual application and environmental review process. He stated the project is being railroaded through and will not benefit the local residents. Senator Murray noted that the state Department of Water Resources will purchase most of the power coming out of the project, so taxpayer money will in effect pay for the plant.

CONCERNS: Term of facility life.

RESPONSE: See LAND USE and CONDITIONS OF CERTIFICATION.

TA-LECIA ARBOR, who has lived in the area since 1964, stated that in the park-poor area she had to go to Inglewood as a child to visit a park. She questioned placement of project immediately adjacent to the Kenneth Hahn State Park.

CONCERNS: Project placement.

RESPONSE: See LAND USE.

CALVIN HALL, President of the Baldwin Hills-Village Gardens Homeowners Association, commented that the Staff Assessment must take into account the prevailing winds and the downdraft on La Cienega and La Brea which move pollution into residential neighborhoods no matter how high the stacks are. He noted present community pollution from the sewer, which is spread by the prevailing winds to Duquesne Street and to the east, will be compounded by project pollution. He also noted that smoke from summer fires is moved down the sides of the hills by the same wind patterns. Mr. Hall urged that the Staff Assessment carefully address the wind issues because an environmental impact report will not be required by the 21-day process.

CONCERNS: Emissions and Project pollution.

RESPONSE: See AIR QUALITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

MARYANN GREENE is President of the Blair Hills Homeowners Association, which represents the area just north of the project exhaust stacks. Ms. Greene acknowledged the energy crisis, and supports the development of generators but not next to the only large park area in the district. The project is the only power plant proposed for a park area. Ms. Greene commented that urban parks are as important as power, particularly in an area so deficient in park and recreational resources. She opined that the money spent for the additional acreage would be down the drain if the use of the park requires being next to a power plant. Ms. Greene also noted the area of the project problems of geological instability, which led to rejection of a proposed development, and localized earthquake fault lines. She urged that an environmental impact report be required for the project.

CONCERNS: Project placement and Geologic stability.

RESPONSE: See LAND USE and GEOLOGIC RESOURCES.

RICH WATERS asked about the Inglewood fault, and M. Roseman asked about the Baldwin Hills earthquake fault. Applicant responded that it aware of the faults, and seismic stability was one of the considerations in selecting the site which is one of those

approved by the Commission staff. Staff stated that geologic hazard was one of its criteria, and the matter would be addressed in the Staff Assessment.

CONCERNS: Geologic and Seismic stability.

RESPONSE: See GEOLOGIC RESOURCES.

BRENDA STEPHENSON AND ERMA NUNOZ, of the Pointa Alta-Mantoba Homeowners Association, live on the hill just above the proposed site. They commented that the community presently enjoys clean air and the animals and birds native to the park. The proposed plant would endanger the health of children and local residents who have respiratory problems, and sacrifice their way of life. Ms. Nunoz questioned why only 21 days was devoted to examining a project which would impact the community for thirty or more years. She opined that the bus tour of the area was deceptive because it showed only the blighted oil fields and not the communities and beautiful neighborhoods just around the corners. She asked why a power plant should be placed right in the heart of a park and residential neighborhood, and noted that power plants are placed where people of color live.

CONCERNS: Emissions and Project placement.

RESPONSE: See AIR QUALITY, ENVIRONMENTAL JUSTICE and LAND USE.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

MILTON BASSETT, Baldwin Hills Homeowners Association, stated that his group represents 1,000 homes that would be affected by the project. Mr. Bassett commented that gas-powered plants could be located anywhere, and the project could easily be placed anywhere on the gas line. It need not be located in the proposed site, which would have an adverse impact on the Kenneth Hahn State Park.

CONCERNS: Project placement.

RESPONSE: See LAND USE.

JONATHAN TENNELL commented that the application should not be on the 21-day track because it has environmental impacts, and its exhaust will go into a lake used for fishing. He urged that the project be switched to the four-month process and an environmental review be required because the plant is only 200 yards away from a park. He also noted applicant's proposed reinjection of 340 gallons of water per minute into the ground will also have a significant impact on the environment. Mr. Tennell stated further that the zoning of the County Open Space Plan does not permit the proposed project, and that information was verified by the County Regional Planning Department. Staff noted that the only requirement for the 21-day process is a simple-cycle project

that could be on-line by September 30, 2001. Commissioner Pernell stated that if a County Plan amendment is required it would not meet the 21-day process.

CONCERNS: Emissions, Project placement, Wastewater, Zoning and Land use.

RESPONSE: See AIR QUALITY, SOILS AND WATER, (WASTEWATER) and LAND USE.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

RHONDA JOHNSON stated her concern that any power plant be sited in the community. She commented that property values would be adversely affected by the placement of the power plant in the area.

CONCERNS: Property values.

RESPONSE: See LAND USE.

JOSEPH GARDENER, Presidents of the Baldwin Hills Homeowners Association, asked when the final Commission decision will be made, and how comments at the hearing would be communicated to the other Commissioners. Sarah Waters, Rick Rogers, and others asked who makes the final decision and how the application would be processed. Commissioner Pernell described that the Commission will make the final decision after consideration of the Staff Assessment and the public comments made at a future local public meeting. Commissioner Pernell invited participants to attend the future meeting, and to submit written comments as well. Other Commissioners would learn of the comments at the informational hearing from the Staff Assessment and the record. Senator Murray expressed his confidence that Commissioner Pernell would communicate the participants' concerns to his fellow Commissioners.

CONCERNS: General comments in opposition to the project.

RESPONSE: Comments noted.

DEEBA HARGIS commented on the number of neighbors who appeared to express their objections to the proposed power plant. She referenced the work of all the people who have worked so hard on the Baldwin Hills Park Project, and her concerns about the adverse impact of a power plant on property values.

CONCERNS: Property values.

RESPONSE: See LAND USE.

YUKI KIDOKORO of Communities for a Better Environment, a statewide environmental justice organization, stated her organization's concerns about the health affects of the project on the local communities of color. She noted that the project may emit ammonia in addition to particulate matter and nitrous oxide, and that ammonia can harm the population's respiratory systems and eyes. Ms. Kidokoro urged consideration of conservation and alternative energy sources including solar power.

CONCERNS: Health risks and Emissions.

RESPONSE: See AIR QUALITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

SHEILA SMITH questioned using the September 30 deadline to permit any kind of power plant, even the proposed project that will greatly harm the planned park project. Ms. Smith commented that at Baldwin Hills Elementary Schools children have to go inside when the sewer plant stench is at its greatest, and that sewer plant was allowed by an approval process. She opined that a 21-day process is not enough to adequately consider the issues of a power plant next to a state park.

CONCERNS: Emergency process.

RESPONSE: See EMERGENCY PERMITTING AUTHORITY.

HEIDI CREVE, Fox Hills Homeowners Association, noted her organization's strong opposition to siting a project amid a planned park area. She urged that the applicant and the Commission explore other possible locations for the peaker plant.

CONCERNS: General comments in opposition to the project.

RESPONSE: Comments noted, see LAND USE.

PATRICIA PENNEY, a real estate broker, commented on the adverse affect a power plant would have on the property values of the neighborhood. She asked if the project studied effects on property values. The applicant responded that it was not part of its study.

CONCERNS: Property values.

RESPONSE: See LAND USE.

ERIC JACKSON spoke in favor of building the project, and stated that the need for electricity requires more projects than are currently planned.

CONCERNS: General comments.

RESPONSE: Comments noted.

CHARLES CABALLERO, a member of the Ladera Civic Association and the Ladera Senior Center, has worked for the past two years with the Baldwin Hills Expansion Advisory Committee. He commented that the proposed power plant would be in close proximity to the planned community and senior centers, as well as the existing State Park. He urged that the Commission consider another site.

CONCERNS: Project placement.

RESPONSE: See LAND USE.

RICHARD BARNES represented his block club, and noted his agreement with the comments of those opposed to the project. He opined that 21-day permit process is an opportunity applicant has taken to rush the project through. Placement of a gas-powered plant need not be made at the proposed site, but it could be located in an area that does not have negative impacts.

CONCERNS: Project placement.

RESPONSE: See LAND USE.

HILLARD STOREY, a member of the Ladera Civic Association, commented that increasing the production of existing plants could be accomplished more quickly than building a new plant. He opined that some of the supposed power shortage is not real, and expressed concern for the health and safe environment of residents.

CONCERNS: General comments and Emissions.

RESPONSE: Comments noted, See AIR QUALITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

CHERYL COOK described that she is a resident of racially mixed Ladera Heights, a model community. She opined that without the 21-day process allowing the project to be rammed down the throats of the community without sufficient study, applicant would never have tried to put in the power plant. She likened the supposed energy shortage to the ostensible oil shortage of 20 years ago, which ceased when prices rose. She commented that efforts to put in a wrought iron fence in her neighborhood took two years, and questioned why only 21 days is required to put in a power plant. Ms. Cook

also noted that the proposal would never fly if the project were planned for a wealthy white area.

CONCERNS: General comments.

RESPONSE: Comments noted, See EMERGENCY PERMITTING AUTHORITY and ENVIRONMENTAL JUSTICE.

RUTH SARNOFF a prior resident of Culver City and current resident of Santa Monica, commented that the Commission should recognize the wisdom of the community organizations who attended the informational hearing. She stated that power plants are being proposed communities of color, and the whole question of environmental racism must be addressed.

CONCERNS: Project placement.

RESPONSE: See LAND USE and ENVIRONMENTAL JUSTICE.

RESPONSE TO LETTERS AND EMAIL COMMENTS:

NATIVE AMERICAN HERITAGE COMMISSION

CONCERNS: Cultural Resources.

RESPONSE: See CULTURAL RESOURCES.

GLORIA BROWNER

CONCERNS: Serious air quality and Public safety hazards.

RESPONSE: see AIR QUALITY and HAZARDOUS MATERIALS.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

JAMES E. BERWARD

CONCERNS: Project placement, Air quality, and Public safety hazards.

RESPONSE: See LAND USE, AIR QUALITY, AND HAZARDOUS MATERIALS.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

VICKI AND MARGIE EVANS

CONCERNS: Pollution, noise, Emergency process, Project placement, and Health risks.

RESPONSE: See AIR QUALITY, NOISE, EMERGENCY PERMITTING AUTHORITY, LAND USE and HAZARDOUS MATERIALS.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

MARILYN JUDSON

CONCERNS: Park placement.

RESPONSE: See LAND USE.

BOBBI GOLD

CONCERNS: Pollution.

RESPONSE: See AIR QUALITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

LLOYD DIXON

CONCERNS: Noise, Pollution, and Land use.

RESPONSE: See NOISE, AIR QUALITY, and LAND USE.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

DANNY KLEINMAN

CONCERNS: General comments in opposition to project.

RESPONSE: Comments noted.

MARIO BARRON

CONCERNS: General comments in opposition to project.

RESPONSE: Comments noted.

E HUTCHI

CONCERNS: Emissions, Hazards, Service, Property values, and Project placement.

RESPONSE: See AIR QUALITY, HAZARDOUS MATERIALS, EMERGENCY PERMITTING AUTHORITY, LAND USE, AND ENVIRONMENTAL JUSTICE.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

BRENDA STEVENSON

CONCERNS: Air quality, Property values, Wildlife, Park quality, and Project placement

RESPONSE: See AIR QUALITY, LAND USE, BIOLOGICAL RESOURCES, VISUAL, AND EMERGENCY PERMITTING AUTHORITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

DEEBA HARGIS

CONCERNS: Emergency process and Park placement.

RESPONSE: See EMERGENCY PERMITTING AUTHORITY and LAND USE.

DEBORAH HARRIS

CONCERNS: Project placement and Wildlife.

RESPONSE: See LAND USE and BIOLOGICAL RESOURCES.

MARYANN WEBSTER

CONCERNS: Project placement, Air quality, Noise, Visual impacts, and Public safety.

RESPONSE: See LAND USE, AIR QUALITY, NOISE, VISUAL, and HAZARDOUS MATERIALS.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

MICHEAL FEUER

CONCERNS: Project placement.

RESPONSE: See LAND USE.

STEVE LEON

CONCERNS: Project placement, Ground stability, Geologic stability, and Emissions.

RESPONSE: See LAND USE, SOILS AND WATER, GEOLOGIC RESOURCES, AND AIR QUALITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

KENNY GRAY

CONCERNS: Park placement.

RESPONSE: See LAND USE and ENVIRONMENTAL JUSTICE.

CARMEN ROCHELLE

CONCERNS: General comments in opposition to project.

RESPONSE: Comments noted.

KEN BENTLEY

CONCERNS: Park placement and Hazards.

RESPONSE: See LAND USE and HAZARDOUS MATERIALS.

ELLEN REASER-CHOI

CONCERNS: Emissions, Visual impacts, and Wildlife.

RESPONSE: See AIR QUALITY, VISUAL RESOURCES and BIOLOGICAL RESOURCES.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

JELANA CARNES

CONCERNS: Visual impacts, Property values, Wildlife, Emissions and Noise.

RESPONSE: See VISUAL RESOURCES, LAND USE, BIOLOGICAL RESOURCES, AIR QUALITY, and NOISE.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

DAWN BERNARD

CONCERNS: Project placement, Property values, and Emissions.

RESPONSE: See ENVIRONMENTAL JUSTICE, LAND USE, and AIR QUALITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

KELLY HAWKINS

CONCERNS: General comments in opposition to project.

RESPONSE: Comments noted.

JOSEPH MILLNER

CONCERNS: General Comments in opposition to project.

RESPONSE: Comments noted.

CENTER FOR LAW IN THE PUBLIC INTEREST

CONCERNS: Human Health, Pollution, Project placement, Emissions/Air quality, Noise and Emergency process.

RESPONSE: See HAZARDOUS MATERIALS, AIR QUALITY, LAND USE, NOISE and EMERGENCY PERMITTING AUTHORITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

DIANE E. LAWS-BROWN

CONCERNS: Emergency process, Project placement and Visual impacts.

RESPONSE: See EMERGENCY PERMITTING AUTHORITY, LAND USE and VISUAL RESOURCES.

K. HARRIS

CONCERNS: Air Quality, Park placement, and Emergency process.

RESPONSE: See AIR QUALITY, LAND USE and EMERGENCY PERMITTING AUTHORITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

CATHY WALLER-REECE

CONCERNS: Air Quality, Park placement and Emergency process.

RESPONSE: See AIR QUALITY, LAND USE and EMERGENCY PERMITTING AUTHORITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

SANDRA JONES ANDERSON

CONCERNS: General comments in opposition to project.

RESPONSE: Comments noted.

MARIAM S. JACKSON

CONCERNS: Project placement and Emissions.

RESPONSE: See LAND USE and AIR QUALITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

FRANCIS H. WHITEN

CONCERNS: General comments in opposition to project and Project placement.

RESPONSE: Comments noted, See LAND USE.

ELAINE B. FISCHEL

CONCERNS: Project placement, Transportation and Emissions.

RESPONSE: See LAND USE, TRAFFIC and TRANSPORTATION, and AIR QUALITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.

RONALD G. JACKSON

CONCERNS: Project placement, Noise, Property values and Health risks.

RESPONSE: See LAND USE, NOISE and HAZARDOUS MATERIALS and AIR QUALITY.

* The analysis of air quality impacts, which is being conducted by SCAQMD has not been completed.